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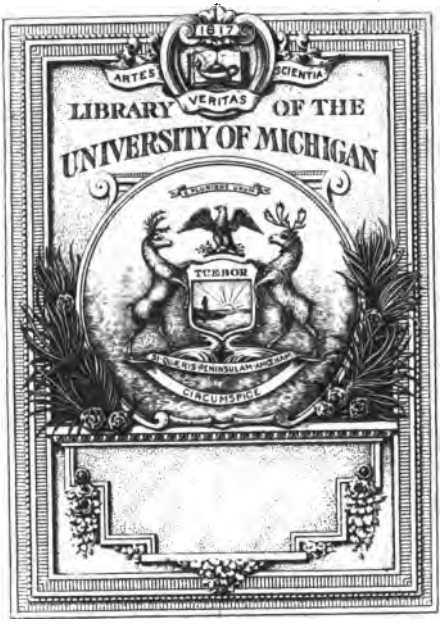
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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF MICHIGAN.

EXTRA SESSION, 1870.

Printed by virtue of an Act of the Legislature, under the Direction and Supervision of

NELSON B. JONES,

Clerk of the House of Representatives.

BY AUTHORITY.

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1870.

HOUSE JOURNAL.

EXTRA SESSION, 1870.

Lansing, Wednesday, July 27, 1870.

Pursuant to a proclamation of his Excellency the Governor of the State of Michigan, the Representatives assembled this day, in their hall, in the Capitol, in the city of Lansing.

At 12 o'clock noon, the Speaker, Hon. Jonathan J. Woodman, called the House to order.

Prayer by Rev. Mr. Allen.

The Proclamation of the Governor, convening the Legislature in extra session, was then read.

The following is the

PROCLAMATION:

Whereas, A series of laws enacted by four successive Legislatures, have by a recent decision of the highest judicial authority of the State, been pronounced unconstitutional and void;

And Whereas, Under the authority contained in such laws, a considerable amount of securities or bonds have been issued, and are now held by parties who have purchased them in good faith;

And Whereas, There is now no authority of law by which the principal or interest of such securities or bonds can be provided for;

And Whereas, The honor and good name of the people of Michigan demand that provision should be made for the payment of such bonds;

And Whereas, The only resource left in this emergency is the giving to the people an opportunity of so amending the fundamental law of the State, as to enable the several munici-

palities, whose bonds have been thus issued, to recognize their obligations and provide for their payment;

And Whereas, Proposed Constitutional Amendments must first receive the sanction of the Legislature, and can only be submitted to the people at a general biennial November election, thus creating the necessity of convening the Legislature in Extra Session, or withholding from the electors, for the space of two years, the opportunity of enabling such municipalities to keep their honor and credit inviolate;

NOW, THEREFORE, I, Henry P. Baldwin, Governor of the State of Michigan, by virtue of the power vested in me by the Constitution, do hereby convene the Legislature of this State in Extraordinary Session; requiring the Senators and Representatives to assemble at the Capitol, in the City of Lansing, on Wednesday, the 27th day of July next, at 12 o'clock noon; then and there to consider and act upon such matters as may be submitted to them by special message.

In testimony whereof, I have hereunto set my hand, and caused to be affixed the Great Seal of the State.

[SEAL.]

Done at Lansing, this eighth day of June, in the year of our Lord one thousand eight hundred and seventy.

HENRY P. BALDWIN.

By the Governor:

O. L. SPAULDING,
Secretary of State.

The roll was called by the Clerk, and the following members answered to their names:

Messrs. Ashley, Avery, Barnaby, Baxter, Beall, G. G. Briggs, R. V. Briggs, Brownell, Cameron, O. Clark, Cogshall, Crane, Crossman, Curry, Davis, Doty, Dusseau, Eaton, Eck, Elliott, Fenner, Fuller, Gay, Gifford, Goodrich, Grant, Harris, Holt, Horton, Hubbard, Hunt, Hurlbut, Huston, Hutchinson, Ingersoll, Jewell, F. G. Kendrick, Kingsley, Klein, Lane, Lee, Lovell,

Mandigo, Mason, Mead, Miles, Millington, Mitchell, Murray, Newman, Norton, Osborn, Plimpton, Putnam, Riford, Romeyn, Sanford, Seward, Shaw, Sheldon, Shier, Sickels, Slayton, Smith, Snell, Stannard, Stewart, Stockbridge, Ternes, Vowles, Wagner, Walker, Walton, Ward, Weier, Wendell, Westover, Wilcox, W. D. Williams, Speaker, 81.

The following members were absent:

Messrs. Blake, Bostwick, Boynton, B. Clark, L. Kendrick, McCowen, McKernan, Miller, Purcell, Riopelle, Rowlson, Swift, Thompson, White, H. G. Williams, J. A. Williams, Woodard, Yawkey, 18.

The Speaker announced that a quorum of the House was present.

The Speaker then addressed the House as follows:

GENTLEMEN OF THE HOUSE:—By the proclamation of His Excellency the Governor, just read in your hearing, we have been called together in extraordinary session, and for an extraordinary purpose. The Legislature of 1863 passed an act "to authorize the city of Jackson and the several townships of Jackson county to pledge their credit, and the county of Ingham to raise by tax or borrow money, to aid in the construction of a railroad from Jackson to Lansing." Also, an act "to authorize the City of Saginaw to raise money to aid in the construction of the Amboy, Lansing and Traverse Bay State Road." These bills were approved by Governor Blair, and the policy inaugurated in this State of encouraging the building of railroads by taxing municipalities to aid in their construction. Governor Blair, by special message, called the attention of the Legislature of 1864, in extra session, to the subject, in which he uses these words: "The Legislature, by an act of the last session, sanctioned the policy of such laws, and there seems to be a very general disposition in the State to adopt that method of accomplishing objects deemed important.

"If the policy is to be generally adopted, it would seem to me

best that a general law should be enacted, applicable to all parts of the State alike." The Legislature at that session passed twelve enabling acts, all of which were approved by Governor Blair.

The Legislature of 1865 passed eleven similar bills, which were approved by Governor Crapo. All the bills authorizing municipal aid to railroads, passed by the Legislature of 1867, were vetoed by the Governor. Hence the whole subject was placed thoroughly before the people of the State, and became a subject of general discussion, not only in the Legislature and by the press, but in almost every household in the State. Accordingly, when this Legislature convened in 1869, the people numerously petitioned for the continuation of this policy, and "a law making it applicable to all parts of the State alike." On the seventeenth day of the session, a bill prepared with great labor and unusual care, was reported to this House by the Committee on Internal Improvements. The bill was ordered printed, and copies of the same sent to every part of the State; was re-published in the local papers, and the people became fully acquainted with its provisions and general character.

More than sixty days intervened between the introduction of the bill and the final passage and approval of the act.

I have referred to the history of this railroad legislation to show that the passage of this general law was not the result of crude or hasty legislation.

Perhaps no great public measure was ever enacted by the Legislature of this State upon which was bestowed more time, which was more carefully framed, or thoroughly, candidly and critically discussed, or which was more universally called for, or better understood by the people, than this general railroad law. The question of its constitutionality was ably discussed, and all the legal advice accessible to the Legislature sought, and no member of this House who voted for that law, doubted its constitutionality. But the Supreme Court of the State, composed of able and impartial judges, have decided that

some of the provisions of this law, as well as all special railroad enabling acts heretofore passed, are in conflict with the fundamental law of the State, and consequently null and void.

To consider the financial condition caused by this railroad legislation, and preserve the credit and good name of the State, is the business before us. Trusting that all our deliberations may be harmonious, our conclusions wise, and the rights of the citizen, the best interests of the municipality and honor of the State preserved, we will at once enter upon the business before us.

The Sergeant-at-Arms *pro tem.* announced a committee from the Senate.

The committee informed the House that the Senate was organized and ready to proceed to business.

The Speaker announced that he had received official notification of the resignation of Hon. Harvey B. Rowlson, member of the House from the 2d Representative District of Hillsdale county, and Hon. George W. Swift, member of the House from the 4th District of Wayne county.

Mr. Osborn presented the credentials of Mr. John H. Armstrong, member elect from the 2d district of Hillsdale county, in place of Hon. H. B. Rowlson, resigned.

Mr. Armstrong came forward, took and subscribed to the constitutional oath of office, and took his seat.

Mr. Miles presented the credentials of Mr. T. C. Owen, elected a member of the House from the 1st district of St. Clair county, to fill the vacancy occasioned by the removal from the district of Hon. N. S. Boynton.

Mr. Miles moved that the oath of office be administered to Mr. Owen.

Pending which,

Mr. Slayton moved that the credentials of Mr. Owen be referred to the Committee on Elections, inasmuch as the House had no official notice of the removal of Mr. Boynton from his district;

Which motion prevailed.

Mr. Ingersoll offered the following:

Resolved, That a committee of three be appointed to wait upon the Senate and inform that body that a quorum of the House is now present and ready to proceed to business;

Which was adopted.

The Speaker appointed Messrs. Ingersoll, Mandigo and Kingsley as such committee.

Mr. Romeyn offered the following:

Whereas, It is provided by the Constitution of this State, that no person holding any office under the United States is eligible to or shall have a seat in either House of the Legislature;

And Whereas, It is further provided that a removal from their (Senators and Representatives) respective counties or districts shall be deemed a vacation of their office;

And Whereas, It is understood that the seats of several members of this Legislature have become vacated by reason of such removal, and that others elected at the last general election are not entitled to seats in this House by reason of their acceptance of office under the Government of the United States;

Resolved, That a select committee of five be appointed by the Speaker, with instructions to investigate without delay the matter under consideration, and to report the result of such investigation to this House, and that in the meantime and until such report be made, those members who have removed from the districts in which they were respectively elected, or who have accepted official appointments of whatever nature from or under the government of the United States, be refused the privilege of voting upon any measure before this House.

Mr. Slayton moved to lay the resolution on the table;

Which motion prevailed.

The committee appointed to wait on the Senate, and inform that body that the House was organized and ready to proceed to business, reported that they had performed that duty and asked to be discharged.

Report accepted and committee discharged.

The Speaker announced the following communication:

DETROIT, July 23, 1870.

To the Hon. Speaker and Members of the Michigan Legislature:

GENTLEMEN—I regret that I cannot be with you during the extra session of the Legislature; but having been appointed to an office in the U. S. Custom House for this district, it will be impossible for me to attend; therefore I hope you will accept my resignation.

I am very respectfully yours,

A. BARLOW,

Sergeant-at-Arms.

Mr. Mason moved that the resignation of the Sergeant-at-Arms be accepted;

Which motion prevailed.

Mr. Huston offered the following:

Resolved, That William D. Burnham, of Lansing, be elected Sergeant-at-Arms to fill the vacancy caused by the resignation of Alfred Barlow.

The resolution was adopted, by yeas and nays, as follows:

YEAS.

Mr. Armstrong,	Mr. Holt,	Mr. Riford,
Ashley,	Horton,	Riopelle,
Avery,	Hubbard,	Romeyn,
Barnaby,	Hunt,	Sanford,
Baxter,	Hurlbut,	Seward,
Beall,	Huston,	Shaw,
G. G. Briggs,	Hutchinson,	Sheldon,
R. V. Briggs,	Ingersoll,	Shier,
Brownell,	Jewell,	Sickels,
Cameron,	F. G. Kendrick,	Slayton,
O. Clark,	Kingsley,	Smith,
Cogshall,	Klein,	Snell,
Crane,	Lane,	Stannard,
Crossman,	Lee,	Stewart,
Curry,	Lovell,	Stockbridge,
Davis,	Mandigo,	Ternes,
Doty,	Mason,	Vowles,
Dusseau,	Mead,	Wagner,
Eaton,	Miles,	Walker,

Eck,	Millington,	Walton,
Elliott,	Mitchell,	Ward,
Fenner,	Murray,	Weier,
Fuller,	Newman,	Wendell,
Gay,	Norton,	Westover,
Gifford,	Osborn,	Wilcox,
Goodrich,	Plimpton,	W. D. Williams,
Grant,	Putnam,	Speaker,
Harris,		85

NAYS. 0

Mr. Crossman offered the following resolution:

Resolved, That the Speaker be and he hereby is authorized to appoint a fireman in place of W. D. Burnham, elected Sergeant-at-Arms.

Mr. Plimpton moved to lay the resolution on the table;

Which motion did not prevail.

Mr. Ingersoll moved to amend the resolution by striking out the word "Fireman" and inserting the word "Janitor" in lieu thereof;

Which motion did not prevail.

The resolution was then adopted.

Mr. Cameron offered the following:

Resolved, (the Senate concurring,) That a committee of two be appointed on the part of the House, to act with a like committee on the part of the Senate, to wait on the Governor and inform him that the two houses are ready to receive any communication he may be pleased to make.

Laid on the table for one day under the rules.

MESSAGE FROM THE SENATE.

The Speaker announced the following:

SENATE CHAMBER,
Lansing, July 27, 1870.

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to inform the House that the Senate has appointed Senators Peirce and FitzGerald a committee on the part of the Senate to act with such committee as the House may appoint, to inform the Governor that

the two Houses are prepared to receive any communication he may be pleased to make.

Very respectfully,

HENRY S. SLEEPER,

Secretary of the Senate.

Mr. Cameron moved that the Speaker appoint a committee of three to act on the part of the House with the committee of the Senate;

Which motion prevailed.

The Speaker announced Messrs. Cameron, Shier and Klein as such committee.

Mr. Hunt presented the credentials of Albertus L. Green, elected a member of the House from the 2d district of Eaton county, to fill the vacancy occasioned by the removal from the district of Hon. A. A. Thompson.

On motion of Mr. Baxter,

The credentials of Mr. Green were referred to the committee on elections.

The Sergeant-at-Arms elect then came forward and took and subscribed to the oath of office, and entered upon the discharge of his duties.

Mr. Mead offered the following:

Resolved, That Robert D. Hough be elected Assistant Sergeant-at-Arms, vice H. H. Seaver resigned.

Mr. Horton moved to lay the resolution on the table;

Which motion did not prevail.

Mr. Mead asked leave to amend his resolution by inserting the word "absent" in lieu of the word "resigned."

Leave was granted and the resolution so amended.

Mr. Plimpton offered the following as a substitute for the resolution:

Whereas, It having been announced that the Assistant Sergeant-at-Arms has accepted the office of Mail-route Agent of the United States; therefore

Resolved, That the office of Assistant Sergeant-at-Arms be

and the same is hereby declared vacant, and that the House do now proceed to elect an Assistant Sergeant-at-Arms for the House;

Which was not adopted.

The vote recurring on the resolution of Mr. Mead, it was adopted, by yeas and nays, as follows:

YEAS.

Mr. Armstrong,	Mr. Grant,	Mr. Riford,
Ashley,	Harris,	Romeyn,
Avery,	Holt,	Sanford,
Barnaby,	Horton,	Seward,
Baxter,	Hubbard,	Shaw,
Beall,	Hunt,	Sheldon,
G. G. Briggs,	Hurlbut,	Shier,
R. V. Briggs,	Huston,	Sickels,
Brownell,	Hutchinson,	Slayton,
Cameron,	Ingersoll,	Smith,
O. Clark,	Jewell,	Snell,
Cogshall,	F. G. Kendrick,	Stannard,
Crane,	Kingsley,	Stewart,
Crossman,	Klein,	Stockbridge,
Curry,	Lane,	Ternes,
Davis,	Lee,	Vowles,
Doty,	Lovell,	Wagner,
Dusseau,	Mason,	Walker,
Eaton,	Mead,	Walton,
Eck,	Millington,	Ward,
Elliott,	Mitchell,	Weier,
Fenner,	Murray,	Wendell,
Fuller,	Newman,	Westover,
Gay,	Norton,	Wilcox,
Gifford,	Osborn,	W. D. Williams,
Goodrich,	Putnam,	Speaker, 78

NAYS. 0

The committee appointed by the House to act with a like committee of the Senate, and wait on His Excellency the Governor and inform him that the two Houses were organized and prepared to receive any communication he desired to make, reported that they had performed that duty, and that the Governor had informed the committee that he should be pleased to meet the two Houses in joint convention at 2½ o'clock P. M.

Report accepted and committee discharged.

The Assistant Sergeant-at-Arms then came forward, took and subscribed to the oath of office, and entered on the discharge of his duties.

On motion of Mr. Plimpton,

The House took a recess until two o'clock this afternoon.

AFTERNOON SESSION.

The House met and was called to order by the Speaker.

Roll called: quorum present.

Mr. Baxter moved that the Speaker appoint a committee of three to inform the Senate that the House is prepared to receive them in joint convention;

Which motion prevailed.

The Speaker announced as such committee, Messrs. Baxter, Holt and Wendell.

Mr. Sanford moved that a committee of three be appointed to invite the State Officers to take seats within the bar of the House during the sitting of the joint convention;

Which motion prevailed.

The Speaker announced as such committee, Messrs. Sanford, Stockbridge and Eaton.

The committee appointed by the House to notify the Senate that the House was prepared to receive that body in joint convention, reported that they had performed the duty assigned them.

Report accepted and committee discharged.

Mr. Ingersoll offered the following:

Resolved, That the Clerk be and is hereby authorized to appoint a messenger, in the place of Merrill P. Sanford, absent, and who will not be in attendance during the session;

Which was adopted.

The committee appointed by the House to invite the State officers to take seats within the bar of the House during the

sitting of the joint convention, reported that they had discharged the duty assigned them.

Report accepted and committee discharged.

The Sergeant-at-Arms announced the Honorable Senators, who were conducted to seats.

PROCEEDINGS IN JOINT CONVENTION.

The joint convention was called to order by Honorable Morgan Bates, Lieutenant-Governor and President of the Senate.

The roll of the Senate was called by the Secretary thereof, and a quorum of the Senators were present.

The roll of the House was called by the Clerk thereof, and a quorum of the Representatives were present.

The President of the Senate announced that the two Houses had assembled in joint convention to receive the message of His Excellency Governor Baldwin.

Representative Ingersoll moved that a committee of three be appointed to wait on His Excellency the Governor and the State officers, and inform them that the two Houses are assembled in joint convention, and are ready to receive any communication that His Excellency may be pleased to make;

Which was adopted.

The President of the Senate appointed Representatives Ingersoll and Gay, and Senator Williams, as such committee.

After a short absence the committee reported that they had discharged the duty assigned them, and announced His Excellency Governor Baldwin, and the State officers in attendance.

The Governor then read to the joint convention his message.

After which,

On motion of Senator Rich,

The joint convention adjourned *sine die.*

HENRY S. SLEEPER,
Secretary of the Senate,
N. B. JONES,
Clerk of the House of Representatives,
and Secretaries of the Joint Convention.

The honorable Senators then retired.

The House was called to order by the Speaker.

The roll was called, and a quorum of the members were present.

Mr. Ingersoll moved that the message of the Governor be printed in the Journal, and referred to the committees on judiciary and internal improvements, jointly.

Mr. Miles moved as a substitute for the motion, that the message be ordered printed in the journal, and referred to a special committee of seven;

Which motion did not prevail.

The motion of Mr. Ingersoll was then agreed to.

The following is the message:

SENATORS AND REPRESENTATIVES:

I have deemed it my duty to call you together in extraordinary session, to submit for your consideration, subjects directly affecting the honor and good name of the people of our whole commonwealth.

The powers of government are divided into three departments: Legislative, Executive and Judicial; the duties of each are distinct and well defined; no one may discharge or infringe upon the duties of another.

To the Legislative branch of the government, has been committed the law-making power, subject only to such restrictions or limitations, as are contained in the Constitution of the State, or of the United States.

To the Judicial department has been entrusted the province of deciding what is law, and of annulling unconstitutional enactments.

Legislatures, Executives, and Courts are composed of individuals and may err. Legislatures may pass and Governors may give their approval to acts, which the Judiciary, in the exercise of its rightful functions, may decide to be unconstitutional; but the original and ultimate sovereignty is with the people, by whom Constitutions are made, and may be altered or amended.

Changes in the fundamental law should not be frequent, or made upon slight pretexts, or upon doubtful expediency; but should be made where serious doubts exist as to the proper construction of important provisions; or where experience has shown the necessity of such alteration; and certainly, where without such change, injustice and wrong would be done to any portion of the people.

A series of laws enacted at five successive sessions of the Legislature, and with the exception of a single act, approved by three successive Executives, have, by a recent decision of the highest judicial authority of the State, been pronounced unconstitutional and void. These laws are somewhat different in their provisions, but all of them were intended to enable the people of either counties, townships, cities, or incorporated villages, in their corporate capacity, to aid in the construction of railroads.

The general law of 1869 was considerably more restrictive and stringent in its provisions than the special acts of previous years. In the act of 1869, townships, cities and incorporated villages—but not counties—were authorized to aid, to a limited amount, in the construction of railroads, by loan or donation. When such aid should be voted by the people, bonds might be made and deposited in the office of the State Treasurer, but could not be delivered to any railroad company until such company had completed its road-bed, and ironed its road with such rail as should be used by first-class railroads, from its initial or starting point, through the municipality issuing the same; nor until the company should have fully complied with whatever conditions said municipality might have imposed in voting its aid.

Under the authority contained in these laws, securities or bonds for a very considerable amount, have been delivered and are now held by parties who have purchased them in good faith. Judging from the most reliable information which I have been able to obtain, I am of the opinion that far the larger part is

held by persons of moderate or small means; in not a few instances, the entire means of aged persons, of women, and of orphan children, are known to be invested in these securities. It is scarcely necessary to say, that without provision for their payment, in many cases great inconvenience and suffering must ensue, and this must be the case to a greater or less extent, even by the delay of payment of any one or more of the installments of interest.

In some cases the municipalities directly interested, have, through their municipal boards, expressed the desire and determination to acknowledge and provide for the payment of these liabilities; but it must be remembered, that however earnestly such authorities may desire to avoid the repudiation of their honest debts, and to keep inviolate the faith of their respective corporations, there is now no authority of law by which such provision can be made. No tax can be lawfully made or collected to provide the means for paying either principal or interest; any such tax placed upon a tax-roll would not only be void and uncollectable, but might vitiate the entire tax of such corporation.

It has been supposed by many, that these bonds, or at least most of them, were issued under the law of 1869; that the act was passed under circumstances of much popular excitement on the subject of the real or supposed benefits to be derived from the extension of railroad facilities.

It is certainly true, that a portion of the municipal railroad aid bonds now outstanding, were issued under the authority of legislative acts of 1869, but these comprise only a little more than one-fourth of the whole amount now in the hands of parties who have purchased and paid for them in good faith.

It is undoubtedly true, that no small portion of the people of the State, have felt a deep interest in and a strong desire for the construction of railroads, and have been both willing and desirous to grant municipal aid for that purpose.

Whether it is or is not wise to construct railroads, under any circumstances, to a greater extent than can be done by

individual or private enterprise, need not be discussed in this connection, but however this may be, the bonds now outstanding are not the result of any sudden impulse, or the excitement of a day, or of any one Legislature.

The following summary will give, as near as may be ascertained, the amount of such securities now outstanding, under the various enabling acts:

Special acts of 1863, and of the extra session of 1864, approved by Gov. Blair	$858,600
Special acts of 1865, approved by Gov. Crapo	312,700
Special act of 1867, passed over the veto of Gov. Crapo	28,000
Laws of 1869, approved by the present Executive	447,000
Total	$1,656,300

It will be observed, that one-half of the whole amount was issued under the laws of 1863 and 1864, nearly one-fourth under the enabling acts of 1865 and 1867, and a little more than one-fourth under the laws of 1869.

Our own State has not been singular in passing enabling acts of this character; not less than twenty-two of the States have similar laws upon their statute books; in most, or all of these, the constitutionality of railroad aid legislation has been the subject of judicial adjudication; in all of these States such legislation has been sustained, save in Iowa and Wisconsin, and originally in these also.

The States were but following the example of Congress, which body, as is well known, has made extensive grants of lands belonging to the people, as well as large subsidies in bonds, to railroads. In 1841, Congress gave to the State of Michigan, and to each of eight other States named in the act, and to each new State thereafter admitted into the Union, five hundred thousand acres of public lands, "for the purposes of internal improvement, said lands to be disposed of, and the net proceeds of the sales applied to the building of roads, railways, bridges, canals," &c.

I do not call attention to our own reiterated legislation, to the extensive legislation of other States, and of Congress, and to the sanction given to it by the courts of other States, either for the purpose of expressing an approval of such legislation, or of dissenting from the decision rendered by the highest court of our own State; but simply for the purpose of showing, that holders of bonds issued under the authority of five successive Legislatures, and approved by three successive Executives of Michigan, had good reason to believe that they were receiving securities of value, such as their face indicated, and may justly claim, that the municipalities whose bonds they hold should be allowed and authorized to make provision for their payment.

Under the recent decision of the Supreme Court, all railroad aid bonds, issued by virtue of the various enabling acts contained in the statutes of Michigan, are void, and under present circumstances worthless; but it certainly was not the intention of the several Legislatures by which these laws were passed, or the municipalities which have made and issued the securities, to deceive the people, or to procure their money without consideration, by placing in their hands empty, worthless promises to pay. The Legislatures that authorized, and the people who voted to issue the bonds, supposed they were acting under constitutional and lawful authority.

Although there is now no way of enforcing the collection, and no legal obligation for the payment of these securities, the moral obligations of a State, and of a people, are as binding and should be held as sacred as their legal obligations; the honor of the people of Michigan, and especially of the counties, townships, and cities, by which these bonds have been issued, is directly concerned in the payment of those already sold and now in the hands of honest holders.

The credit of no State stands higher than that of Michigan, and the people cannot afford, and I trust will not consent, to have her good name tarnished by the repudiation of either legal or moral obligations.

As the present emergency could only be provided for by an amendment of the fundamental law of the State, and as constitutional amendments must first receive the sanction of the Legislature, and can only be submitted to the people at a general biennial November election, and as the refusal or neglect to take all proper and constitutional means, to enable the municipalities directly interested, to recognize and provide for their obligations, would be little less than an approval of repudiation, I could not consent by any action of mine, to withhold from the people for two years, the opportunity of making provision for their payment.

I respectfully and earnestly recommend, that an amendment of the constitution be submitted to the people at the general election to be held in November next, such as will enable the several municipalities to ratify all such railroad aid bonds as have been issued and delivered to parties in good faith.

Besides the bonds which have been used, and are now in the hands of innocent purchasers and holders, there is another and much larger class, which have been voted, made, and deposited with the State Treasurer, but not delivered to the companies for whose benefit they were designed; of these there is now in the office of the Treasurer, the sum of $3,710,875.80, which might be divided into several classes, but for present purposes I shall consider them as of two classes only:

First. Such as have been pledged to roads that are being constructed, and on which expenditures of labor and money to a greater or less extent have been made, in anticipation of the aid so voted.

Second. Such as have been regularly voted, and deposited with the Treasurer for the benefit of *proposed* roads, but on which no work has as yet been done.

In some cases, bonds embraced in the first of the two classes named were nearly earned by railroad companies, and had been negotiated—and part of the purchase price advanced—before the decision of the Court had been rendered. It is worthy

of your consideration, whether good faith does not require provision to be made for this class also.

Whether it is desirable, or the wish of the people, that hereafter, municipalities should be authorized, upon any conditions, to aid in the construction of railroads, by donations, loans, or subscriptions for stock, may well be questioned.

While it is not to be denied that railroads, wherever they can be constructed and properly maintained, are of great convenience and service to the people, and add largely to the value of property, and while it must be admitted that by means of municipal aid they are sometimes constructed where, without such aid, they could not be had, I do not conceive it equally clear, that the principle is entirely correct, and I have serious doubts as to the propriety of its further application. It is for you in your wisdom to decide whether this question shall be placed before the people for their decision at the approaching November election.

The subjects presented for your consideration, involve principles and interests of the greatest moment, no less than the honor, credit, and prosperity of our noble State. They are not wholly outside of the past experience of the people of our own and other States; the teachings of the past should be most carefully scrutinized, and whatever tends to advance the real prosperity and credit of the State, should be adopted, while that which experience has shown to be unsafe and dangerous, should be discarded.

I submit these important matters for your consideration, with full confidence that your action will be such as will receive the approval of the people.

HENRY P. BALDWIN.

EXECUTIVE CHAMBER,
Lansing, July 27, 1870.

Mr. Riopelle presented the credentials of Charles H. Bennett, elected a member of the House from the 4th district of Wayne county, to fill the vacancy occasioned by the resignation of Hon. George W. Swift.

Mr. Bennett then came forward and took and subscribed to the oath of office, and took his seat.

Mr. Holt offered the following:

Resolved, That 2,000 copies of the daily journal be printed for the use of the members and officers of this House.

Mr. Millington moved to amend the resolution by striking out "2,000," and inserting "2,500" in lieu thereof.

Mr. Ingersoll moved to amend the amendment by adding thereto the following: "and inserting after the word 'journal,' the words, 'containing the Governor's message;'"

Which amendment was accepted, and the motion to amend prevailed.

Mr. Holt moved to further amend the resolution by inserting after the word "message," the words "and 2,000 each day of the session thereafter;"

Which motion prevailed.

The resolution, as amended, was then adopted.

On motion of Mr. Miles,

The House adjourned until to-morrow morning at 10 o'clock.

Lansing, Thursday, July 28, 1870.

The House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by the Rev. Mr. Davis.

Roll called: quorum present.

Absent without leave: Messrs. Blake, Davis, Ingersoll, McKernan, Murray, Purcell, H. G. Williams, Woodard and Yawkey.

The Speaker announced the following:

LANSING, July 28th, 1870.

To the Honorable J. J. Woodman, Speaker of the House of Representatives of the State of Michigan:

I do hereby tender my resignation of the office of Representative of the 2d district of Wayne county, Michigan.

PETER TERNES.

On motion of Mr. Miles,

The resignation of Mr. Ternes was accepted.

The Speaker announced that in accordance with a resolution of the House, he had appointed Gottlieb Straub a fireman of the House.

REPORTS OF STANDING COMMITTEES.

By the committee on elections:

The committee on elections, to whom was referred the credentials of Tubal C. Owen from the 1st Representative district of St. Clair county, in place of Nathan S. Boynton, respectfully report that they have had the same under consideration, with the following result:

The law provides that the resignation of a member of the House shall be made to the Speaker of the House. The Speaker informs the committee that no resignation of Mr. Boynton has been received by him. Is there then a vacancy in that district? This, as your committee understand it, is the only question referred.

Section 5, article 4, of the Constitution, relating to members of the Legislature, says: "A removal from their respective counties or districts shall be deemed a vacation of their office."

Your committee find, by reference to the office of the Governor, that the County Clerk of St. Clair county has certified to the Governor, under the seal of the county, that Hon. Nathan S. Boynton, of the 1st Representative district of that county, has removed from said Representative district, thereby creating a vacancy in the office of Representative for that district, in consequence of which a special election was ordered by the Governor to take place on the 16th day of July inst.

Your committee have before them, in due form, the certificate of the Board of District Canvassers of said district, of the regularity of such election, and of the election of the applicant, Tubal C. Owen, to fill such vacancy. Your committee therefore respectfully recommend the adoption of the following:

Resolved, That Tubal C. Owen is entitled to a seat in this House from the 1st Representative district of St. Clair county.

D. L. CROSSMAN, *Chairman.*

Report accepted and committee discharged.

Mr. Stewart moved to lay the report on the table;

Which motion did not prevail.

Mr. Cameron moved that the resolution reported by the committee be adopted.

Mr. Miles moved to amend the resolution by preceding it with the following:

Resolved, That the seat in this House, occupied by N. S. Boynton, Representative from the 1st district of the county of St. Clair, be and hereby is declared to be vacant, by reason of the removal of Mr. Boynton from said district.

The amendment was adopted.

The resolution, as amended, was then adopted.

Mr. Owen then came forward and took and subscribed to the oath of office, and took his seat.

The Sergeant-at-Arms announced the Private Secretary of the Governor, who transmitted to the House a message from His Excellency the Governor in writing.

By the committee on elections:

The committee on elections, to whom was referred the credentials of Albertus L. Green, from the 2d Representative district of Eaton County, in place of Almon A. Thompson, respectfully report that they have had the same under consideration, and find as follows:

The point referred is identically the same as in the case just reported of Tubal C. Owen, of St. Clair, viz: Is there a vacancy? And your committee find in the Governor's office, also, the certificate of the County Clerk of Eaton county, under the seal of the county, stating that the Hon. Almon A. Thompson, of the 2d Representative district, had removed from the district, thereby causing a vacancy; upon which the Governor called a special election to fill the vacancy, to take place on the 16th day of July inst. Your committee find in

this case, further, that subsequent to that election, the Governor received the resignation of Almon A. Thompson as representative.

Therefore recommend the adoption of the following:

Resolved, That Albertus L. Green is entitled to a seat in this House from the 2d Representative district of Eaton county.

D. L. CROSSMAN, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. G. G. Briggs,

The resolution reported by the committee was adopted.

Mr. Green then came forward and took and subscribed to the oath of office, and took his seat.

MESSAGE FROM THE GOVERNOR.

The Speaker announced the following:

EXECUTIVE OFFICE,
Lansing, July 28, 1870.

To the Senate and House of Representatives:

My attention has been called by the Department of the Census Bureau at Washington to the great difficulty in obtaining from this State what are termed "Social Statistics," embracing—

The valuation of real and personal estate;

State, county, city, township, and village corporate debt;

State, county, city, and township taxation;

Pauperism;

Statistics of crime, and other material interests.

There can be little doubt of the importance of obtaining this information, not only for the report of the Superintendent of the Census, but for our own purposes. Much of the information would often be of value in shaping legislation.

These statistics can only be obtained through the officers of the several counties.

I respectfully suggest the propriety of requiring by law the proper county officers to procure and furnish to the Secretary of State, on or before the thirtieth (30th) day of

November next, and annually or biennially thereafter, such statistics on these and other subjects of general interest as may be deemed essential, and that provision be made for the proper compensation for the duties discharged.

The returns of lands delinquent for unpaid taxes in the counties of Isabella, Midland and Saginaw, were made at so late a date as to render such returns illegal, and the lands cannot be offered for sale for such taxes without legalizing legislation.

The general interests of the State require that the lands shall be offered at the coming sales, on the first Monday of October.

I recommend the necessary legislation for that purpose.

HENRY P. BALDWIN.

On motion of Mr. Stewart,

That portion of the message which refers to the matter of social statistics was referred to the committee on State affairs.

On motion of Mr. W. D. Williams,

That portion of the message which refers to the matter of tax returns was referred to the committee on ways and means.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Plimpton offered the following:

Resolved, That there be printed for the use of the House 1,000 copies of the opinions of the Judges of the Supreme Court of this State, in the case of The People *ex rel.* the Detroit and Howell Railroad Company *vs.* The Township Board of the township of Salem. Also, the points of counsel in the argument of counsel in said cause.

Mr. Fuller moved to amend the resolution by striking out "one thousand" and inserting "ten thousand" in lieu thereof.

Mr. Curry moved to lay the resolution on the table;

Which motion prevailed.

Mr. Miles moved to take from the table the following resolution:

Whereas, It is provided by the Constitution of this State,

that no person holding any office under the United States is eligible to or shall have a seat in either House of the Legislature;

And Whereas, It is further provided that a removal from their (Senators and Representatives) respective counties or districts shall be deemed a vacation of their office;

And Whereas, It is understood that the seats of several members of this Legislature have become vacated by reason of such removal, and that others elected at the last general election are not entitled to seats in this House by reason of their acceptance of office under the Government of the United States;

Resolved, That a select committee of five be appointed by the Speaker, with instructions to investigate without delay the matter under consideration, and report the result of such investigation to this House, and that in the meantime and until such report be made, those members who have removed from the districts in which they were respectively elected, or who have accepted official appointments of whatever nature from or under the government of the United States, be refused the privilege of voting upon any measure before this House;

Which motion prevailed.

Mr. Romeyn offered the following as a substitute for the resolution:

Whereas, It is provided by the Constitution of this State, that no person holding any office under the United States is eligible to or shall have a seat in either House of the Legislature;

And Whereas, It is further provided that a removal from their (Senators and Representatives) respective counties or districts shall be deemed a vacation of their office;

And Whereas, It is understood that the seats of several members of this Legislature have become vacated by reason of such removal, and that others elected at the last general election are not entitled to seats in this House by reason of

their acceptance of office under the Government of the United States, as follows, to wit:

John N. Ingersoll, 1st district Shiawassee county;

William W. Hartson, 3d district St. Clair county;

Charles A. Jewell, 1st district Lenawee county;

Jacob Walton, 3d district Lenawee county;

Hubert G. Williams, Marquette county.

Resolved, That a select committee of five be appointed by the Speaker, with instructions to investigate without delay the matter under consideration, and to report the result of such investigation to this House, and that in the meantime and until such report be made, those members who have removed from the districts in which they were respectively elected, or who have accepted official appointments of whatever nature from or under the government of the United States, be refused the privilege of voting upon any measure before this House.

Mr. Mead moved to so amend the substitute as to refer the matter to the committee on elections, instead of a select committee of five;

Which motion prevailed.

Mr. Mead moved to further amend the substitute by striking out all after the word "House," in the fourth line of the resolution;

Which motion prevailed.

The substitute was then adopted.

The resolution, as amended by the substitute, was then adopted.

Mr. Westover offered the following:

Resolved, (the Senate concurring,) That this Legislature adjourn *sine die,* on Friday, the 5th day of August next, at 12 o'clock noon.

Laid on the table for one day under the rules.

UNFINISHED BUSINESS,

Being the consideration of the following resolution:

Resolved, (the Senate concurring,) That a committee of two

be appointed on the part of the House, to act with a like committee on the part of the Senate, to wait on the Governor and inform him that the two Houses are ready to receive any communication he may be pleased to make.

On motion of Mr. Miles,

The resolution was laid on the table.

On motion of Mr. G. G. Briggs,

The House adjourned until to-morrow morning at 10 o'clock.

Lansing, Friday, July 29, 1870.

The House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Bryant.

Roll called: quorum present.

Absent without leave: Messrs. Davis, Green, McKernan, Purcell, H. G. Williams and Yawkey.

The Speaker announced the following:

HOUSE OF REPRESENTATIVES,
Lansing, July 29, 1870.

To the Speaker of the House of Representatives:

I have appointed Charles E. Porter as messenger, under a resolution adopted by the House.

N. B. JONES,
Clerk of the House of Representatives.

The Speaker announced the following additions to the standing committees of the House, to fill vacancies:

Ways and Means, and Asylum for the Deaf, Dumb, and Blind—J. H. Armstrong.

State Affairs, and Printing—T. C. Owen.

Federal Relations, and Education—A. L. Green.

Insurance and State Library—C. H. Bennett.

PRESENTATION OF PETITIONS.

By Mr. Hutchinson: resolutions of the common council of the city of Marshall for amendments to the Constitution.

Referred to the committees on judiciary and internal improvements, jointly.

REPORTS OF STANDING COMMITTEES.

By the committee on ways and means:

The committee on ways and means to whom was referred that part of the Governor's message relating to the return of taxes in the county of Saginaw for the year 1869, respectfully report that they have had the same under consideration, and have directed me to report a bill to the House, entitled

A bill to legalize the return of taxes for the county of Saginaw, for the year one thousand eight hundred and sixty-nine;

And recommend that it do pass, and ask to be discharged from the further consideration of the subject.

HENRY H. HOLT, *Chairman.*

Report accepted and committee discharged.

The bill was read a first and second time by its title, and,

On motion of Mr. Miles,

The rules were suspended, and the bill was placed on the order of third reading.

By the committee on ways and means:

The committee on ways and means, to whom was referred that part of the Governor's message relating to the return of taxes in the county of Midland, for the year 1869, respectfully report that they have had the same under consideration, and directed me to report a bill to the House, entitled

A bill to legalize the return of taxes for the county of Midland, for the year one thousand eight hundred and sixty-nine;

And recommend that it do pass, and ask to be discharged from the further consideration of the subject.

HENRY H. HOLT, *Chairman.*

Report accepted and committee discharged.

The bill was read a first and second time by its title, and,

On motion of Mr. Holt,

The rules were suspended, and the bill was placed on the order of third reading.

By the committee on ways and means:

The committee on ways and means, to whom was referred that part of the Governor's message relating to the return of taxes for the county of Isabella, for the year 1869, respectfully report that they have had the same under consideration, and directed me to report a bill to the House, entitled

A bill to legalize the return of taxes for the county of Isabella, for the year one thousand eight hundred and sixty-nine;

And recommend that it do pass, and ask to be discharged from the further consideration of the subject.

HENRY H. HOLT, *Chairman.*

Report accepted and committee discharged.

The bill was read a first and second time by its title, and,

On motion of Mr. Holt,

The rules were suspended, and the bill was placed on the order of third reading.

THIRD READING OF BILLS.

On motion of Mr. Holt,

The rule requiring the second and third reading of bills to be on different days, was suspended, and the several bills on the order of third reading were placed on their passage.

House manuscript bill, entitled

A bill to legalize the return of taxes for the county of Isabella for the year 1869,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Armstrong,	Mr. Grant,	Mr. Putnam,
Ashley,	Harris,	Riford,
Avery,	Holt,	Riopelle,
Barnaby,	Horton,	Romeyn,
Baxter,	Hubbard,	Sanford,
Beall,	Hunt,	Seward,
Bennett,	Hurlbut,	Shaw,
Blake,	Huston,	Sheldon,
Bostwick,	Hutchinson,	Shier,

Referred to the committees on judiciary and internal improvements, jointly.

REPORTS OF STANDING COMMITTEES.

By the committee on ways and means:

The committee on ways and means to whom was referred that part of the Governor's message relating to the return of taxes in the county of Saginaw for the year 1869, respectfully report that they have had the same under consideration, and have directed me to report a bill to the House, entitled

A bill to legalize the return of taxes for the county of Saginaw, for the year one thousand eight hundred and sixty-nine;

And recommend that it do pass, and ask to be discharged from the further consideration of the subject.

HENRY H. HOLT, *Chairman.*

Report accepted and committee discharged.

The bill was read a first and second time by its title, and,

On motion of Mr. Miles,

The rules were suspended, and the bill was placed on the order of third reading.

By the committee on ways and means:

The committee on ways and means, to whom was referred that part of the Governor's message relating to the return of taxes in the county of Midland, for the year 1869, respectfully report that they have had the same under consideration, and directed me to report a bill to the House, entitled

A bill to legalize the return of taxes for the county of Midland, for the year one thousand eight hundred and sixty-nine;

And recommend that it do pass, and ask to be discharged from the further consideration of the subject.

HENRY H. HOLT, *Chairman.*

Report accepted and committee discharged.

The bill was read a first and second time by its title, and,

On motion of Mr. Holt,

The rules were suspended, and the bill was placed on the order of third reading.

By the committee on ways and means:

The committee on ways and means, to whom was referred that part of the Governor's message relating to the return of taxes for the county of Isabella, for the year 1869, respectfully report that they have had the same under consideration, and directed me to report a bill to the House, entitled

A bill to legalize the return of taxes for the county of Isabella, for the year one thousand eight hundred and sixty-nine;

And recommend that it do pass, and ask to be discharged from the further consideration of the subject.

HENRY H. HOLT, *Chairman.*

Report accepted and committee discharged.

The bill was read a first and second time by its title, and,

On motion of Mr. Holt,

The rules were suspended, and the bill was placed on the order of third reading.

THIRD READING OF BILLS.

On motion of Mr. Holt,

The rule requiring the second and third reading of bills to be on different days, was suspended, and the several bills on the order of third reading were placed on their passage.

House manuscript bill, entitled

A bill to legalize the return of taxes for the county of Isabella for the year 1869,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Armstrong,	Mr. Grant,	Mr. Putnam,
Ashley,	Harris,	Riford,
Avery,	Holt,	Riopelle,
Barnaby,	Horton,	Romeyn,
Baxter,	Hubbard,	Sanford,
Beall,	Hunt,	Seward,
Bennett,	Hurlbut,	Shaw,
Blake,	Huston,	Sheldon,
Bostwick,	Hutchinson,	Shier,

G. G. Briggs,	Ingersoll,	Sickels,
R. V. Briggs,	Jewell,	Slayton,
Brownell,	L. Kendrick,	Smith,
Cameron,	F. G. Kendrick,	Snell,
B. Clark,	Kingsley,	Stannard,
O. Clark,	Klein,	Stewart,
Cogshall,	Lane,	Vowles,
Crane,	Lee,	Wagner,
Crossman,	Lovell,	Walker,
Curry,	Mason,	Walton,
Davis,	McCowen,	Ward,
Doty,	Mead,	Weier,
Dusseau,	Miles,	Wendell,
Eaton,	Miller,	Westover,
Eck,	Mitchell,	White,
Elliott,	Murray,	Wilcox,
Fenner,	Newman,	J. A. Williams,
Fuller,	Norton,	W. D. Williams,
Gay,	Osborn,	Woodard,
Gifford,	Owen,	Speaker,
Goodrich,	Plimpton,	89

NAYS. 0

Title agreed to.

On motion of Mr. Mead,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House manuscript bill, entitled

A bill to legalize the return of taxes for the county of Saginaw for the year 1869,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Armstrong,	Mr. Grant,	Mr. Plimpton,
Ashley,	Green,	Putnam,
Avery,	Harris,	Riford,
Barnaby,	Holt,	Riopelle,
Baxter,	Horton,	Romeyn,
Beall,	Hubbard,	Sanford,
Bennett,	Hunt,	Seward,
Blake,	Hurlbut,	Shaw,
Bostwick,	Huston,	Sheldon,
G. G. Briggs,	Hutchinson,	Shier,

R. V. Briggs,	Ingersoll,	Sickels,
Brownell,	Jewell,	Slayton,
Cameron,	L. Kendrick,	Smith,
B. Clark,	F. G. Kendrick,	Snell,
O. Clark,	Kingsley,	Stannard,
Cogshall,	Klein,	Stewart,
Crane,	Lane,	Vowles,
Crossman,	Lee,	Wagner,
Curry,	Lovell,	Walker,
Davis,	Mason,	Walton,
Doty,	McCowen,	Ward,
Dusseau,	Mead,	Weier,
Eaton,	Miles,	Wendell,
Eck,	Miller,	Westover,
Elliott,	Mitchell,	White,
Fenner,	Murray,	Wilcox,
Fuller,	Newman,	J. A. Williams,
Gay,	Norton,	W. D. Williams,
Gifford,	Osborn,	Woodard,
Goodrich,	Owen,	Speaker, 90

NAYS. 0

Title agreed to.

On motion of Mr. Armstrong,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House manuscript bill, entitled

A bill to legalize the return of taxes for the county of Midland for the year 1869,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Armstrong,	Mr. Grant,	Mr. Putnam,
Ashley,	Harris,	Riford,
Avery,	Holt,	Riopelle,
Barnaby,	Horton,	Romeyn,
Baxter,	Hubbard,	Sanford,
Beall,	Hunt,	Seward,
Bennett,	Hurlbut,	Shaw,
Blake,	Huston,	Sheldon,
Bostwick,	Hutchinson,	Shier,
G. G. Briggs,	Ingersoll,	Sickels,
R. V. Briggs,	Jewell,	Slayton,

Brownell,	L. Kendrick,	Smith,
Cameron,	F. G. Kendrick,	Snell,
B. Clark,	Kingsley,	Stannard,
O. Clark,	Klein,	Stewart,
Cogshall,	Lane,	Vowles,
Crane,	Lee,	Wagner,
Crossman,	Lovell,	Walker,
Curry,	Mason,	Walton,
Davis,	McCowen,	Ward,
Doty,	Mead,	Weier,
Dusseau,	Miles,	Wendell,
Eaton,	Miller,	Westover,
Eck,	Mitchell,	White,
Elliott,	Murray,	Wilcox,
Fenner,	Newman,	J. A. Williams,
Fuller,	Norton,	W. D. Williams,
Gay,	Osborn,	Woodard,
Gifford,	Owen,	Speaker,
Goodrich,	Plimpton,	89
	NAYS.	0

Title agreed to.

On motion of Mr. Plimpton.

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

MOTIONS AND RESOLUTIONS.

Mr. Ingersoll offered the following:

Resolved, (the Senate concurring), That the printer for the State be instructed to transmit to each newspaper in the State, and to the State officers, Supreme and Circuit Court Judges, and to the clerks of the several counties in the State, one copy each of the journal of the Senate and of the House of Representatives during the present session.

On motion of Mr. Ingersoll,

The rule requiring a concurrent resolution to lie on the table one day was suspended, and the resolution was adopted.

Mr. Stewart offered the following:

Resolved, That the Governor be requested to furnish this House, at his earliest convenience, with any information he may possess relative to the sale of the "Reeder Farm" by the Board of Escheats.

Mr. Ingersoll moved to lay the resolution on the table.

Mr. Miles demanded the yeas and nays.

The demand was seconded, and the motion prevailed, by yeas and nays, as follows:

YEAS.

Mr. Armstrong,	Mr. Grant,	Mr. Osborn,
Ashley,	Green,	Owen,
Avery,	Holt,	Putnam,
Barnaby,	Hunt,	Sanford,
Baxter,	Huston,	Seward,
Beall,	Hutchinson,	Shaw,
Blake,	Ingersoll,	Shier,
G. G. Briggs,	Jewell,	Sickels,
Brownell,	Kingsley,	Smith,
Cameron,	Lovell,	Stockbridge,
B. Clark,	Mason,	Vowles,
Crossman,	McCowen,	Wagner,
Curry,	Mead,	Walker,
Davis,	Miller,	Walton,
Eck,	Murray,	Ward,
Elliott,	Newman,	Westover,
Gifford,	Norton,	Speaker,
Goodrich,		52

NAYS.

Mr. Bennett,	Mr. Horton,	Mr. Romeyn,
Bostwick,	Hubbard,	Sheldon,
R. V. Briggs,	Hurlbut,	Slayton,
O. Clark,	L. Kendrick,	Snell,
Cogshall,	F. G. Kendrick,	Stannard,
Crane,	Klein,	Stewart,
Doty,	Lane,	Weier,
Dusseau,	Lee,	Wendell,
Eaton,	Miles,	White,
Fenner,	Mitchell,	Wilcox,
Fuller,	Plimpton,	J. A. Williams,
Gay,	Riford,	W. D. Williams,
Harris,	Riopelle,	Woodard, 39

Mr. Miles offered the following:

Resolved, That the Governor and State Treasurer be and they are hereby requested to send to the House copies of all papers upon which the State Treasurer delivered to the Detroit, Hillsdale and Indiana Railroad Company $50,000 of the

Brownell,	L. Kendrick,	Smith,
Cameron,	F. G. Kendrick,	Snell,
B. Clark,	Kingsley,	Stannard,
O. Clark,	Klein,	Stewart,
Cogshall,	Lane,	Vowles,
Crane,	Lee,	Wagner,
Crossman,	Lovell,	Walker,
Curry,	Mason,	Walton,
Davis,	McCowen,	Ward,
Doty,	Mead,	Weier,
Dusseau,	Miles,	Wendell,
Eaton,	Miller,	Westover,
Eck,	Mitchell,	White,
Elliott,	Murray,	Wilcox,
Fenner,	Newman,	J. A. Williams,
Fuller,	Norton,	W. D. Williams,
Gay,	Osborn,	Woodard,
Gifford,	Owen,	Speaker,
Goodrich,	Plimpton,	89

NAYS. 0

Title agreed to.

On motion of Mr. Plimpton.

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

MOTIONS AND RESOLUTIONS.

Mr. Ingersoll offered the following:

Resolved, (the Senate concurring), That the printer for the State be instructed to transmit to each newspaper in the State, and to the State officers, Supreme and Circuit Court Judges, and to the clerks of the several counties in the State, one copy each of the journal of the Senate and of the House of Representatives during the present session.

On motion of Mr. Ingersoll,

The rule requiring a concurrent resolution to lie on the table one day was suspended, and the resolution was adopted.

Mr. Stewart offered the following:

Resolved, That the Governor be requested to furnish this House, at his earliest convenience, with any information he may possess relative to the sale of the "Reeder Farm" by the Board of Escheats.

Mr. Ingersoll moved to lay the resolution on the table.

Mr. Miles demanded the yeas and nays.

The demand was seconded, and the motion prevailed, by yeas and nays, as follows:

YEAS.

Mr. Armstrong,	Mr. Grant,	Mr. Osborn,
Ashley,	Green,	Owen,
Avery,	Holt,	Putnam,
Barnaby,	Hunt,	Sanford,
Baxter,	Huston,	Seward,
Beall,	Hutchinson,	Shaw,
Blake,	Ingersoll,	Shier,
G. G. Briggs,	Jewell,	Sickels,
Brownell,	Kingsley,	Smith,
Cameron,	Lovell,	Stockbridge,
B. Clark,	Mason,	Vowles,
Crossman,	McCowen,	Wagner,
Curry,	Mead,	Walker,
Davis,	Miller,	Walton,
Eck,	Murray,	Ward,
Elliott,	Newman,	Westover,
Gifford,	Norton,	Speaker,
Goodrich,		52

NAYS.

Mr. Bennett,	Mr. Horton,	Mr. Romeyn,
Bostwick,	Hubbard,	Sheldon,
R. V. Briggs,	Hurlbut,	Slayton,
O. Clark,	L. Kendrick,	Snell,
Cogshall,	F. G. Kendrick,	Stannard,
Crane,	Klein,	Stewart,
Doty,	Lane,	Weier,
Dusseau,	Lee,	Wendell,
Eaton,	Miles,	White,
Fenner,	Mitchell,	Wilcox,
Fuller,	Plimpton,	J. A. Williams,
Gay,	Riford,	W. D. Williams,
Harris,	Riopelle,	Woodard, 39

Mr. Miles offered the following:

Resolved, That the Governor and State Treasurer be and they are hereby requested to send to the House copies of all papers upon which the State Treasurer delivered to the Detroit, Hillsdale and Indiana Railroad Company $50,000 of the

bonds of the city of Ypsilanti, *after the decision* of the Supreme Court declaring the laws under which such bonds were issued to be null and void.

Mr. Norton moved to lay the resolution on the table.

Mr. Klein demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows:

YEAS.

Mr. Armstrong,	Mr. Goodrich,	Mr. Norton,
Avery,	Grant,	Osborn,
Baxter,	Holt,	Owen,
Beall,	Hubbard,	Riford,
G. G. Briggs,	Huston,	Sanford,
Brownell,	Ingersoll,	Shaw,
Cameron,	L. Kendrick,	Shier,
B. Clark,	Lovell,	Sickels,
Crossman,	Mason,	Smith,
Curry,	McCowen,	Snell,
Davis,	Mead,	Stockbridge,
Eaton,	Miller,	Wagner,
Eck,	Mitchell,	Walker,
Elliott,	Newman,	Speaker,
Gay,		43

NAYS.

Mr. Ashley,	Mr. Hunt,	Mr. Seward,
Barnaby,	Hurlbut,	Sheldon,
Bennett,	Hutchinson,	Slayton,
Blake,	Jewell,	Stannard,
Bostwick,	F. G. Kendrick,	Stewart,
R. V. Briggs,	Kingsley,	Vowles,
O. Clark,	Klein,	Walton,
Cogshall,	Lane,	Ward,
Crane,	Lee,	Weier,
Doty,	Miles,	Wendell,
Dusseau,	Millington,	Westover,
Fuller,	Murray,	White,
Gifford,	Plimpton,	Wilcox,
Green,	Putnam,	J. A. Williams,
Harris,	Riopelle,	W. D. Williams,
Horton,	Romeyn,	Woodard, 48

The question being on the adoption of the resolution,

Mr. Miles demanded the previous question.

The demand was seconded, and the main question ordered.

The resolution was not adopted.

Mr. Fuller offered the following:

Resolved, That the memorial read this morning, submitted to this House by the common council of the city of Marshall, be printed in the journal;

Which was adopted.

The following is the memorial:

STATE OF MICHIGAN,
CITY OF MARSHALL,
Mayor's Office, July 26, 1870.

To the Legislature of the State of Michigan:

GENTLEMEN—Herewith I have the honor to submit to your honorable body a copy of resolutions which were unanimously adopted by the common council of said city, at a meeting held on Monday evening, 25th inst., in accordance with the instructions of said council.

Very respectfully,
F. KERSTADT, Mayor.

Whereas, The electors of the city of Marshall have, on two several occasions, within two years past, voted with almost entire unanimity; first, in favor of taxation under a protective law, and subsequently in favor of taxation under the law of 1869, conferring power on cities or other municipalities to issue bonds in aid of railroads;

And whereas, Said law having been declared unconstitutional and invalid by a late decision of the Supreme Court, a special session of the Legislature has been called by the Governor, to meet on the 27th inst., for the purpose, among others, of proposing an amendment of the constitution, to be submitted to the people at the next general election in this State, in order to the ratification of the bonds issued under the provisions of the act referred to, and to the enactment of such laws in relation to granting aid to the construction of railroads as sound public policy may seem to require; therefore,

Resolved, That all the Common Council of the city of Mar-

shall approve the object indicated by the proclamation of His Excellency Governor Baldwin, in calling the special session of the Legislature, and request our representatives in that body to promote the submission to the vote of the people of such amendments to the constitution, as are necessary in order to the ratification of said bonds already issued, and to empower the Legislature to pass valid laws to enable the people to develop the immense resources of our northern counties, and thereby to stimulate the enterprise and prevent the depopulation of our southern towns and cities;

Resolved, That it is the opinion of this Council that the desire of the people of the city of Marshall for such action on the part of the Legislature of the State of Michigan is almost unanimous, and that said people deem it due to the honor and credit of the people of the State of Michigan as well as to their prosperity, that said action should be taken;

Resolved, That the Mayor of this city is respectfully requested to forward a copy of the above resolutions to the said Legislature at once.

Mr. Slayton moved to take from the table the following resolution:

Resolved, That there be printed for the use of the House 1,000 copies of the opinions of the Judges of the Supreme Court of this State, in the case of The People *ex rel.* the Detroit and Howell Railroad Company *vs.* the Township Board of the township of Salem. Also, the points of counsel in the argument of counsel in said cause;

Which motion prevailed.

The question being upon a pending amendment offered by Mr. Fuller, to strike out the words "one thousand" and insert "ten thousand" in lieu thereof,

Leave being granted the amendment was withdrawn.

Mr. Mason offered the following as a substitute for the resolution:

Resolved, That there be printed for the use of the House

500 copies of the opinions of the Judges of the Supreme Court of this State, in the case of The People *ex rel.* the Detroit and Howell Railroad Company *vs.* The Township Board of the township of Salem.

The substitute was adopted.

The resolution as amended by the adoption of the substitute was adopted.

Mr. R. V. Briggs offered the following:

Resolved, That the State Treasurer be respectfully requested to inform this House, the name of the several municipalities in this State issuing and depositing bonds in his office under the provisions of Act No. 45 of the session laws of 1869. The amount of bonds received from each municipality. The name of the railroad company in whose favor issued, and the amount of bonds delivered, and the names of railroads receiving them.

Mr. Miles moved to add to the resolution the words, "and also the date of the delivery of such bonds by him to such railroad companies."

Mr. Horton offered the following as a substitute for the resolution:

Resolved, That the Governor be and hereby is requested to report to this House, with as little delay as possible, the respective towns and municipalities that have voted aid, issued and negotiated their bonds, for the benefit of what railroad company said bonds have been issued, according to the enabling acts of 1863, 1864, 1865, 1867 and 1869, as per statements in his last message.

The substitute was adopted.

The resolution as amended by the adoption of the substitute was adopted.

On motion of Mr. Mason,

The House took a recess until 2½ o'clock this afternoon.

AFTERNOON SESSION.

2½ o'clock P. M.

The House met and was called to order by the Speaker.

Roll called: quorum present.

MESSAGES FROM THE SENATE.

By unanimous consent, the Speaker announced the following:

SENATE CHAMBER,
Lansing, July 29, 1870.

To the Speaker of the House of Representatives:

SIR—I am instructed to return to the House the following concurrent resolution:

Resolved, (the Senate concurring,) That the printer for the State be instructed to transmit to each newspaper in the State, and to the State officers, Supreme and Circuit Court Judges, and to the clerks of the several counties in the State, one copy each of the journal of the Senate and House of Representatives during the present session;

In the passage of which the Senate has concurred.

Very respectfully,

HENRY S. SLEEPER,
Secretary of the Senate.

The message was laid on the table.

The Speaker also announced the following:

SENATE CHAMBER,
Lansing, July 29, 1870.

To the Speaker of the House of Representatives:

SIR—I am instructed to return to the House the following bills:

1. House manuscript bill, entitled

A bill to legalize the return of taxes for the county of Saginaw, for the year one thousand eight hundred and sixty-nine;

2. House manuscript bill, entitled

A bill to legalize the return of taxes for the county of Midland, for the year one thousand eight hundred and sixty-nine;

3. House manuscript bill, entitled

A bill to legalize the return of taxes for the county of Isabella, for the year one thousand eight hundred and sixty-nine;

In the passage of which the Senate has concurred by a majority vote of all the Senators elect, and has ordered the same to take immediate effect by a vote of two-thirds of all the Senators elect.

Very respectfully,

HENRY S. SLEEPER,

Secretary of the Senate.

The several named bills were referred to the committee on engrossment and enrollment, for enrollment.

The House then resumed the order of

MOTIONS AND RESOLUTIONS.

Mr. Ingersoll moved to take from the table the following resolution:

Resolved, That the Governor be requested to furnish this House, at his earliest convenience, with any information he may possess relative to the sale of the "Reeder Farm" by the Board of Escheats;

Which motion prevailed.

The resolution was adopted.

Mr. Stockbridge moved to reconsider the vote by which the following resolution was lost:

Resolved, That the Governor and State Treasurer be and they are hereby requested to send to the House copies of all papers upon which the State Treasurer delivered to the Detroit, Hillsdale and Indiana railroad company, $50,000 of the bonds of the city of Ypsilanti, after the decision of the Supreme Court, declaring the laws under which such bonds were issued, to be null and void;

Which motion prevailed.

The question being upon the adoption of the resolution,

Mr. Miles demanded the yeas and nays.

The demand was seconded, and the resolution was adopted, by yeas and nays, as follows:

YEAS.

Mr. Ashley,	Mr. Holt,	Mr. Romeyn,
Barnaby,	Horton,	Seward,
Beall,	Hubbard,	Shaw,
Bennett,	Hunt,	Sheldon,
Blake,	Hutchinson,	Shier,
R. V. Briggs,	Ingersoll,	Stannard,
Brownell,	Jewell,	Stewart,
B. Clark,	L. Kendrick,	Stockbridge,
O. Clark,	Klein,	Vowles,
Cogshall,	Lane,	Walton,
Crane,	Lee,	Ward,
Davis,	Mason,	Weier,
Doty,	Miles,	Wendell,
Dusseau,	Miller,	White,
Eck,	Millington,	Wilcox,
Fenner,	Murray,	J. A. Williams,
Gay,	Newman,	W. D. Williams,
Gifford,	Norton,	Woodard,
Green	Putnam,	Speaker,
Harris,	Riopelle,	59

NAYS.

Mr. Armstrong,	Mr. Grant,	Mr. Sanford,
G. G. Briggs,	Lovell,	Sickels,
Cameron,	McCowen,	Snell,
Crossman,	Mitchell,	Wagner,
Elliott,	Osborn,	Walker,
Goodrich,	Owen,	Westover, 18

UNFINISHED BUSINESS,

Being the consideration of the following resolution:

Resolved, (the Senate concurring,) That this House adjourn *sine die*, on Friday, the 5th day of August next, at 12 o'clock noon.

On motion of Mr. Cameron,

The resolution was laid on the table.

Mr. Ingersoll asked and obtained leave of absence for himself until Monday morning.

Mr. Curry moved that the House take a recess until 3 o'clock.

Mr. Klein moved that the House adjourn until to-morrow morning at 10 o'clock.

Mr. Klein withdrew his motion to adjourn.

Mr. Curry withdrew his motion to take a recess.

Mr. R. V. Briggs moved that the House adjourn until to-morrow morning at 10 o'clock;

Which motion did not prevail.

Mr. G. G. Briggs moved that there be a call of the House;

Which motion prevailed.

The roll of the House was called by the Clerk, and the following members reported absent without leave: Messrs. Baxter, Bostwick, Eaton, Fuller, Hurlbut, Huston, F. G. Kendrick, Kingsley, Lee, Lovell, McKernan, Mead, Plimpton, Purcell, Riford, Slayton, Smith, H. G. Williams and Yawkey.

Mr. Holt asked and obtained leave of absence for Messrs. Mead, Slayton, Huston, Plimpton and Kingsley, members of the committee on judiciary, and Messrs. R. B. Smith, Bostwick, Fuller, Hurlbut, Riford, Lee and Eaton, members of the committee on internal improvements.

On motion of Mr. J. A. Williams,

The Sergeant-at-Arms was dispatched after the absentees.

Mr. Miles moved that all further proceedings under the call be dispensed with;

Which motion did not prevail.

The Sergeant-at-Arms announced Mr. Lovell at the bar of the House.

On motion of Mr. Brownell,

Mr. Lovell was admitted within the bar of the House, rendered an excuse, and took his seat.

On motion of Mr. Cameron,

All further proceedings under the call were dispensed with.

On motion of Mr. G. G. Briggs,

The House adjourned until to-morrow morning at 10 o'clock.

Lansing, Saturday, July 30, 1870.

The House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Chapman.

Roll called: quorum present.

Absent without leave: Messrs. Avery, Curry, Dusseau, Hutchinson, Lovell, Mason, McKernan, Purcell, Sickels, Stockbridge, Westover, H. G. Williams, Yawkey.

Mr. Baxter asked and obtained leave of absence for Mr. Sickels, until Monday afternoon.

Mr. Weier asked and obtained leave of absence for Mr. Dusseau for the forenoon.

Mr. Horton asked and obtained leave of absence for Mr. Mason, until Tuesday noon.

Mr. Walker asked and obtained leave of absence for Mr. Lovell, until Monday morning.

Mr. G. G. Briggs asked and obtained leave of absence for Mr. Curry until Tuesday morning.

Mr. G. G. Briggs asked and obtained leave of absence for Mr. Stockbridge for the day, on account of sickness.

Mr. Snell asked and obtained leave of absence for Mr. Westover, until Monday morning.

Mr. Sheldon asked and obtained leave of absence for himself until Monday morning.

Mr. Ashley asked and obtained leave of absence for Mr. Cameron, until Monday morning.

Mr. Plimpton asked and obtained leave of absence for himself until Tuesday.

Mr. McCowen asked and obtained leave of absence for himself until Tuesday morning.

REPORTS OF STANDING COMMITTEES.

By the committee on engrossment and enrollment:

The committee on engrossment and enrollment, report as correctly enrolled, signed, and presented to the Governor, the following bills:

A bill to legalize the return of taxes for the county of Isabella for the year one thousand eight hundred and sixty-nine;

Also,

A bill to legalize the return of taxes for the county of Saginaw for the year one thousand eight hundred and sixty-nine;

Also,

A bill to legalize the return of taxes for the county of Midland for the year one thousand eight hundred and sixty-nine.

D. HORTON, *Acting Chairman.*

Report accepted.

By the committee on elections:

The committee on elections, to whom was referred the following preamble and resolution:

Whereas, It is provided by the Constitution of this State, that no person holding any office under the United States is eligible to or shall have a seat in either House of the Legislature;

And whereas, It is further provided that a removal from their (Senators and Representatives) respective counties or districts shall be deemed a vacation of their office;

And whereas, It is understood that the seats of several members of this Legislature have become vacated by reason of such removal, and that others elected at the last general election are not entitled to seats in this House by reason of their acceptance of office under the Government of the United States, as follows, to wit:

John N. Ingersoll, 1st district Shiawassee county;

William W. Hartson, 3d district St. Clair county;

Charles A. Jewell, 1st district Lenawee county;

Jacob Walton, 3d district Lewawee county;

Hubert G. Williams Marquette county.

Resolved, That the committee on elections investigate without delay the matter under consideration, and report the result of such investigation to this House;

Respectfully report that they have had the same under con-

sideration, so far as relates to the case of Charles A. Jewell, of 1st Representative district of Lenawee county, and find the facts to be these: Some two months since he temporarily removed from his Representative district to the city of Adrian, with the intent, as he avers, that his stay out of the district should be temporary, and with no other intent or design than to remove back to his old locality in a short time, viz: thirty to sixty days from this date. That his interests and home are in the 1st Representative district of Lenawee county, and to use his own words he expects to "live and die in that Representative district."

Your committee therefore recommend that no action by the House is necessary in the case.

D. L. CROSSMAN, *Chairman.*

Report accepted and committee discharged.

Mr. Baxter moved that the report be adopted;

Mr. Stewart moved to lay the report on the table;

Which motion did not prevail.

Mr. Baxter withdrew his motion.

By the committees on the judiciary and internal improvements:

The said committees on the judiciary and internal improvements, to which was referred the Governor's message;

Respectfully report that they have had the same under consideration, and have directed us to report the accompanying joint resolutions, entitled

Joint resolution proposing an amendment to the constitution of the State of Michigan, for the purpose of enabling the tax-paying electors of this State to vote aid in the construction of railroads;

Joint resolution proposing an amendment to the constitution of the State of Michigan, for the purpose of making valid the aid heretofore voted to aid in the construction of railroads;

Recommending that the said joint resolutions do pass, and

ask to be discharged from the further consideration of the subject.

E. F. MEAD,
Chairman Committee of the Judiciary.
R. B. SMITH,
Chairman Committee on Internal Improvements.

Report accepted and committee discharged.

The joint resolutions were read a first and second time by their titles, ordered printed, referred to the committee of the whole, and placed on the general order.

On motion of Mr. Plimpton,

The joint resolutions were ordered printed in the journal.

The following are the joint resolutions:

JOINT RESOLUTION proposing an amendment to the Constitution of the State of Michigan, for the purpose of making valid the aid heretofore voted to aid in the construction of railroads.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to the Constitution of the State be and the same is hereby proposed, the same to stand as an additional section of article eighteen to be known as section sixteen:

SECTION 16. All aid voted by any county, city, township or village, previous to the twenty-seventh day of May, A. D. 1870, to aid any railroad company in the construction of its road, in accordance with the provisions of any act of the Legislature of this State, shall be and is hereby made valid, and such acts, and the acts curative of action thereunder, shall be deemed so far valid as shall be necessary to support, enforce, and collect the aid voted in accordance therewith prior to the said twenty-seventh day of May, 1870: *Provided,* That no bonds or other evidences of indebtedness shall hereafter be delivered to any such railroad company, unless such company shall, before the 27th day of May, 1873, comply with the conditions upon which such bonds or other evidences of indebtedness were voted: *And provided further,* That no such bonds or other

evidences of indebtedness shall be delivered to any company which shall have received since the 27th day of May, 1870, any money or other consideration from any such county, city, township, or village, or inhabitants thereof, in lieu of such aid voted, unless such company shall have agreed to replace such money or other consideration with such aid when delivered to it.

The aforesaid amendment shall be and is hereby submitted to the people of this State at the next general election to be holden on the Tuesday succeeding the first Monday in November, eighteen hundred and seventy, as provided in section one, article twenty of the Constitution; and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties of this State in the same manner that he is now required by law to do in the case of an election of Governor and Lieutenant Governor; and the inspectors of election in the several townships and cities of this State shall prepare a suitable box for the reception of ballots cast for and against such amendment. Each person voting for said amendment shall have written or printed on his ballot the words: "Amendment, making valid aid heretofore voted to railroads—Yes;" and each person voting against it the words: "Amendment, making valid aid heretofore voted to railroads—No." The ballots in all respects shall be canvassed, and returns be made as in elections of Governor and Lieutenant Governor.

JOINT RESOLUTION proposing an amendment to the Constitution of the State of Michigan for the purpose of enabling the tax-paying electors of this State to vote aid in the construction of railroads.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to the constitution of the State be and the same is hereby proposed, the same to stand as an additional section of article eighteen, to be known as section seventeen:

SECTION 17. The Legislature may provide by law that cities, incorporated villages, and townships may aid by loan or dona-

tion in the construction of railroads: *Provided*, A majority of the tax-paying electors so determine: *And provided further*, That such aid shall not exceed five per cent. of the equalized valuation of such municipalities, and shall be raised and paid by annual tax within five years after the road is completed through such municipality.

The aforesaid amendment shall be and is hereby submitted to the people of this State at the next general election to be holden on the Tuesday succeeding the first Monday in November, 1870, as provided in section one, article twenty of the Constitution; and the Secretary of State is hereby required to give notice of the same to the Sheriffs of the several counties of this State in the same manner that he is now by law required to do in the case of an election of Governor and Lieutenant Governor; and the inspectors of election in the several townships and cities of this State shall prepare a suitable box for the reception of ballots cast for and against such amendment. Each person voting for said amendment shall have written or printed on his ballot the words: "Amendment authorizing future aid to railroads—Yes;" and each person voting against it, the words: "Amendment authorizing future aid to railroads—No." The ballots shall in all respects be canvassed, and returns made as in elections of Governor and Lieutenant Governor.

The Sergeant-at-Arms announced the Private Secretary of the Governor, who transmitted to the House a message from his Excellency the Governor, in writing.

MESSAGES FROM THE GOVERNOR.

The Speaker announced the following:

EXECUTIVE OFFICE,
Lansing, July 29, 1870.

To the House of Representatives:

I have this day approved, signed, and deposited in the office of the Secretary of State:

An act to legalize the return of taxes for the county of Isa-

bella for the year one thousand eight hundred and sixty-nine;

Also,

An act to legalize the return of taxes for the county of Midland for the year one thousand eight hundred and sixty-nine;

Also,

An act to legalize the return of taxes for the county of Saginaw for the year one thousand eight hundred and sixty-nine.

HENRY P. BALDWIN.

The message was laid on the table.

The Speaker also announced the following:

EXECUTIVE OFFICE,
Lansing, July 30, 1870.

To the House of Representatives:

In compliance with a resolution of the House of Representatives requesting the Governor to report to the House "the respective towns and municipalities that have voted aid, issued and negotiated their bonds, for the benefit of what railroad company said bonds have been issued, according to the enabling acts of 1863, 1864, 1865, 1867 and 1869, as per statement in his last message," I would respectfully inform your Honorable body that the information in my possession is not sufficiently full to enable me to furnish the names of each town and municipality in detail that have "voted aid, issued and negotiated their bonds" under the enabling acts of 1863 to 1867, both inclusive. For those years I can only refer you in detail to the particular acts under which bonds were issued, and present the gross amount now outstanding under each of those enabling acts.

While the amounts reported for those years, in some cases, may not be precisely accurate, they are as nearly so as could be obtained after careful inquiry, and sufficiently so for all practical purposes. The total amount reported for the years 1863 and 1864, is less in the sum of $22,000 than named for the same years in my message, that amount having been subsequently represented to me as paid.

Act No. 190 of 1863, as amended by No. 167 of 1865,

authorized the city of Saginaw to issue its bonds in aid of the Amboy and Lansing railroad for $50,000; now outstanding $20,000.

Act No. 190 of 1863, as amended by No. 4 of 1864, for the benefit of the railroad from Jackson to Lansing; now outstanding $119,000.

Act No. 2 of 1864, Bay City and East Saginaw railroad, Bay county bonds, $75,000.

Act No. 26 of 1864, Paw Paw and Lawton railroad, $28,100.

Act No. 44 of 1864, Schoolcraft and Three Rivers railroad, $88,000.

Act No. 49 of 1864, Detroit and Howell railroad, $48,505 45.

Act No. 63 of 1864, Muskegon to Detroit and Milwaukee raliroad, $50,000.

Act No. 67 of 1864, as amended by No. 208 of 1865, Jackson to Grand Rapids, $188,000.

Act No. 69 of 1864, Grand Rapids and Indiana railroad, $220,000.

Act No. 193 of 1865, Ridgeway to Lansing and St. Joseph, and the Indiana State Line, (now the Michigan Air Line railroad,) $85,500.

Act No. 276 of 1865, Jackson, Lansing and Saginaw, $26,000.

Act No. 306 of 1865, Schoolcraft to Allegan and Grand River, $95,000.

Act No. 311 of 1865, Lansing to Battle Creek, $106,200.

Act No. 281 of 1867, Kalamazoo and Schoolcraft, $28,000.

Act No. 45 of 1869, city of Port Huron, for Port Huron and Lake Michigan railroad, $42,000.

City of Battle Creek, for Peninsular railroad, $50,000.

Kalamazoo, for Kalamazoo and South Haven railroad, $26,000.

Township of Alamo, for Kalamazoo and South Haven railroad, $10,000.

Township of Pine Grove, for Kalamazoo and South Haven railroad, $12,400.

Township of Fayette, for Fort Wayne, Jackson and Saginaw railroad, $10,000.

Township of Reading, for Fort Wayne, Jackson and Saginaw railroad, $15,000.

City of Jackson, for Fort Wayne, Jackson and Saginaw railroad, $23,500.

Township of St. Joseph, for Chicago and Michigan Lake Shore railroad, $46,000.

Township of Lincoln, for Chicago and Michigan Lake Shore railroad, $13,500.

Township of Lake, for Chicago and Michigan Lake Shore railroad, $13,500.

Township of New Buffalo, for Chicago and Michigan Lake Shore railroad, $13,000.

Township of Chickaming, for Chicago and Michigan Lake Shore railroad, $11,500.

Township of Bruce, for Michigan Air Line railroad, $25,000.

City of Ypsilanti, for Detroit, Hillsdale and Ypsilanti railroad, $50,000.

Act 179 of 1869, amending No. 324 of 1865, city of Lansing for Ionia and Lansing railroad, $32,600.

Act 327 of 1869, city of Grand Haven for the Detroit and Milwaukee railroad, $53,000.

HENRY P. BALDWIN.

The message was laid on the table.

MOTIONS AND RESOLUTIONS.

Mr. Sanford moved to reconsider the vote by which the House ordered printed 500 copies of the opinions of the Judges of the Supreme Court of this State, in the case of the People *ex rel.* the Detroit & Howell Railroad Company, vs. The Township Board of the township of Salem.

Mr. Miles moved to lay the motion on the table;

Which motion prevailed.

On motion of Mr. Harris,

The House adjourned until Monday morning at 10 o'clock.

Lansing, Monday, August 1, 1870.

The House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Straub.

Roll called: quorum present.

Absent without leave: Messrs. Beall, Bostwick, Crane, Grant, Hubbard, Jewell, Lane, Mandigo, Purcell, Ward, H. G. Williams, Yawkey.

Mr. Shaw asked and obtained leave of absence for Mr. Crane for the forenoon.

Mr. F. G. Kendrick asked and obtained leave of absence for Mr. Lane for the forenoon.

Mr. Walton asked and obtained leave of absence for Mr. Jewell until to-morrow morning.

Mr. G. G. Briggs asked and obtained leave of absence for Mr. Grant until to-morrow morning.

Mr. Millington asked and obtained leave of absence for Mr. Mandigo for the forenoon.

Mr. Romeyn asked and obtained leave of absence for Mr. Ward for the forenoon.

PRESENTATION OF PETITIONS.

By Mr. Wagner: resolution of the common council of the city of Battle Creek, asking for the submission to the people of amendments to the constitution making valid aid voted to railroads, and also for future aid to railroads.

On motion of Mr. Wagner,

The resolutions were referred to the committees on judiciary and internal improvement jointly, and ordered printed in the journal.

The following are the resolutions:

At a special meeting of the common council of the city of Battle Creek, held on Saturday, July 30th, 1870, at 8 o'clock P. M., the following resolutions were unanimously adopted:

Whereas, The city of Battle Creek have, by virtue of a special act of 1865 and by the general law of 1869, voted to

aid the Peninsular railway in the construction of their road to the amount of $35,000, and have delivered their corporate bonds to said company for the same;

And whereas, Also many portions of this State are yet without the means of development; therefore,

Resolved, That the Legislature now assembled be and they are hereby requested to submit such amendments to the State Constitution as will enable the people of this State, in their collective capacity, to render valid all bonds that have been voted in accordance with the provisions of law in aid of railroads, previous to the recent decision of the Supreme Court;

Resolved further, That we deem it desirable that a further amendment be submitted to enable such sections of the State as are not provided with railroads, to aid in their construction by loan, donation, or subscription to stock.

I do hereby certify that the above is a true copy [SEAL.] of the resolutions passed by the Common Council of the city of Battle Creek, July 30th, 1870.

CHARLES H. HODSKIN, *Recorder.*

MOTIONS AND RESOLUTIONS.

Mr. R. V. Briggs offered the following:

Resolved, That the State Treasurer be respectfully requested to communicate to this House, at the earliest convenience possible, a statement of the amount of bonds received from each municipality in this State in aid of the construction of railroads, the amount of bonds delivered and the railroads receiving them, and the date of their delivery, under the provisions of act No. 45, of the Session Laws of 1869;

Which was adopted.

GENERAL ORDER.

On motion of Mr. G. G. Briggs,

The House went into committee of the whole, on the general order,

Mr. G. G. Briggs in the chair.

After some time spent therein, the committee rose, and through the chairman, made the following report:

The committee of the whole have had under consideration the following entitled joint resolution:

House joint resolution No. 1, entitled

Joint resolution proposing an amendment to the Constitution of the State of Michigan, for the purpose of making valid the aid heretofore voted to aid in the construction of railroads;

Have made some progress therein, but not having gone through therewith, have directed their chairman to report that fact to the House, and ask leave to sit again.

G. G. BRIGGS, *Chairman.*

Report accepted.

On motion of Mr. Sanford,

Leave was granted the committee to sit again.

On motion of Mr. L. Kendrick,

The House took a recess until two o'clock this afternoon.

—

AFTERNOON SESSION.

2 o'clock P. M.

The House met and was called to order by the Speaker.

Roll called: quorum present.

MESSAGE FROM THE SENATE.

By unanimous consent, the Speaker announced the following:

SENATE CHAMBER,
Lansing, August 1, 1870.

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit the following bill:

Senate bill No. 2, entitled

A bill to provide for the collection of the social statistics of Michigan;

Which has passed the Senate by a majority vote of all the Senators elect, and by a vote of two-thirds of all the Senators

elect, been ordered to take immediate effect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

HENRY S. SLEEPER,

Secretary of the Senate.

The bill was read a first and second time by its title, and referred to the committee on State affairs.

GENERAL ORDER.

On motion of Mr. Barnaby,

The House went into committee of the whole on the general order,

Mr. G. G. Briggs in the chair.

After some time spent therein, the committee rose, and through their chairman, made the following report:

The committee of the whole have had under consideration the following entitled joint resolution:

1. House joint resolution No. 1, entitled

Joint resolution proposing an amendment to the Constitution of the State of Michigan, for the purpose of making valid the aid heretofore voted to aid in the construction of railroads;

Have made sundry amendments thereto, and have directed their chairman to report the same back to the House, asking concurrence therein, and recommend its passage.

The committee of the whole have also had under consideration the following entitled joint resolution:

2. House joint resolution No. 2, entitled

Joint resolution proposing an amendment to the Constitution of the State of Michigan for the purpose of enabling the tax-paying electors of this State to vote aid in the construction of railroads.

Have made some progress therein, but not having gone through therewith, have directed their chairman to report that fact to the House, and ask leave to sit again.

G. G. BRIGGS, *Chairman.*

Report accepted.

On motion of Mr. Green,

The House concurred in the amendments made to the first-named joint resolution by the committee, and the joint resolution was placed on the order of third reading.

On motion of Mr. Sanford,

Leave was granted the committee to sit again in consideration of the second named joint resolution.

Mr. Slayton moved that House joint resolution No. 1, as amended, be reprinted.

Mr. Mead moved to amend by printing the resolution in the journal;

Which motion did not prevail.

The motion to reprint the joint resolution then prevailed.

On motion of Mr. Ingersoll,

The House adjourned until to-morrow morning at 9 o'clock.

Lansing, Tuesday, August 2, 1870.

The House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Perrine.

Roll called: quorum present.

Absent without leave: Messrs. Mason, Millington, Purcell, Seward, Smith, H. G. Williams and Yawkey.

Mr. Murray asked and obtained leave of absence for Mr. Millington until afternoon.

Mr. Romeyn moved that indefinite leave of absence be granted to Mr. Purcell;

Which motion was withdrawn.

Mr. Riford asked and obtained leave of absence for Mr. Seward for the day.

The Sergeant-at-Arms announced the Private Secretary of the Governor, who transmitted to the House a message from His Excellency the Governor, in writing.

PRESENTATION OF PETITIONS.

By Mr. Wagner: petition of T. B. Skinner, A. Noble, and 270 other citizens of the city of Battle Creek, asking that an amendment to the Constitution be submitted to the people to render valid all railroad aid voted previous to the 27th day of May, 1870; also such further amendment as will enable such sections of the State as are not provided with railroads to aid in their construction by municipal aid.

Referred to the committees on judiciary and internal improvements, jointly.

By Mr. Miles: petition of John Miller and 153 others, praying for a submission to the people of amendments to the constitution, making legal the railroad aid bonds already issued;

Also, the memorial of the Common Council of the city of Port Huron, requesting the Legislature, at its present session, to submit to the people amendments to the Constitution, making legal certain illegal bonds issued in aid of the construction of railroads.

Mr. Miles moved that the petition and memorial be printed in the Journal and referred to the committees on judiciary and internal improvements, jointly;

Which motion prevailed.

The following is the petition:

To the Legislature of the State of Michigan:

The undersigned, residents and tax-payers of the city of Port Huron, Michigan, respectfully request that you submit to the people of this State such an amendment to the Constitution as will, if carried, authorize and empower the payment of the railroad bonds already issued by the townships and cities of the State.

Port Huron, July 30, 1870.

John Miller,	Peter Shearer,	W. I. Mulford,
Allen Fish,	O. A. Wilson,	D. J. Guerin,
John Howard,	M. Himer,	H. J. Bockins,
John Johnston,	Edward Percival,	J. A. Davidson,

A. Marcotate,	D. Cruickshank,	J. B. Farrand,
James M. Sanborn,	W. G. Hill,	C. G. Meisel,
E. G. Spalding,	C. W. A. Rhodes,	F. A. Weyers,
C. F. Harrington,	Wm. Shorn,	H. A. Weyers,
H. Baker,	H. C. Hope & Co.,	Chas. Stoddard,
H. G. Barnum,	Albert Dixon,	A. L. Flynn,
Jno. P. Sanborn,	John Riggs,	M. Walker,
A. E. Hamilton,	John Chambers,	R. S. Patterson,
George Barrett,	Peter W. Ashley,	S. McCormick,
J. J. Manwaring,	John L. Newell,	Andrew Foster,
Wm. Stewart,	E. Orttenberger,	E. P. Tibbals,
Wm. Sanborn,	J. B. Hull,	W. I. Bartholomew,
Wm. F. Cady,	John Cole,	J. L. Bartholomew,
E. R. Sweetzer,	J. F. Batchelor,	L. S. King,
Wm. Johnston,	A. Christie,	D. S. Harley,
Louis N. Minne,	Wm. Runnells,	A. H. Peer,
Geo. M. Slusser,	Mears & Bondy,	O. H. P. Whitman,
R. D. Austin,	Anthony Vasey,	Ed. Petit,
I. J. Carson,	John Atkinson,	D. Whitman,
A. Smith,	Daniel Balentine,	J. P. Edison,
Orrin L. Jenks,	S. L. & D. Balentine,	P. J. O'Neill,
D. N. Runnels,	James Goulden,	John G. O'Neill,
John Mettan,	Jacob Roberts,	Robertson & Co.,
M. V. Elliott,	L. Wallace,	Daniel Ryan,
William Wastell,	Alex. McLeod,	J. Corbishley,
Albert McCollum,	Stephen Miller,	J. H. Haslitt,
J. Bryce,	R. Walsh,	L. S. Penney,
John Hibbard,	James L. Gustin,	R. W. Mathews,
H. N. Wright,	A. W. Comstock,	H. S. Potter,
H. Fish,	S. Goodman,	O'Brien & Atkinson
Wm. Bottomly,	Maitland & Wallace,	Mich'l Stapleton,
Henry Howard,	Thos. Walsh,	Wm. F. Atkinson,
L. S. Noble,	John Assman,	Patrick Egan,
S. L. Boyce, Mayor,	I. Springer,	P. M. Wright,
Fred. L. Wells,	J. T. Whitney,	Frank Whipple,
E. W. Harris,	Geo. Fisk,	John S. Travers, Jr.,

N. T. Farr,	W. N. Bennett,	John Hayes,
J. J. Hoyt,	Jerome Inman,	L. Atkins,
B. Cay,	John C. Figg,	Robinson & Bro.,
G. W. Pinkham,	Frank L. Follensbee,	R. Shier,
Robt. T. Yeats,	C. E. Hall,	N. P. White,
Jacob May,	G. R. Osman,	A. K. Comins,
B. S. Gurley,	D. Graham,	M. J. Hibbard,
S. H. Robinson,	Thos. S. Skinner,	Wm. Hartsuff,
S. B. Green,	A. Bowers,	E. M. Cady,
John McNeil,	N. J. Coulter,	A. E. Caldwell.
James Talbot,		

The following is the memorial:

CITY CLERK'S OFFICE,
City of Port Huron, July 30, 1870.

To the Honorable the Senate and House of Representatives of the State of Michigan:

The following preamble and resolutions were this day unanimously adopted by the common council of this city:

Whereas, The Supreme Court of the State of Michigan did, in a recent decision, declare certain bonds issued in aid of railroads to be void;

And whereas, The city of Port Huron did issue several thousand dollars of such bonds, which have passed into the hands of *bona fide* holders;

And whereas, The citizens of Port Huron desire to pay said bonds; therefore, be it

Resolved, By the common council of the city of Port Huron, that the Legislature of the State of Michigan, now in session, be and they are hereby requested to submit to the people of this State such an amendment to the Constitution as will, if carried, authorize and empower the payment of such of the railroad bonds already issued by the townships and cities of this State, as have passed into the hands of *bona fide* holders thereof; and be it further

Resolved, That the Clerk of this city be and he is hereby directed to forward a certified copy of the foregoing preamble

and resolutions, under his hand and the seal of this city, to the Hon. Cyrus Miles, our Representative, requesting him to present the same to the Legislature of the State.

The above preamble and resolutions are a true copy of the same passed and adopted by the common council of this city this day.

LEWIS ATKINS,
City Clerk.

By Mr. Owen: the memorial of the Mayor and Common Council of the city of St. Clair, asking the Legislature to submit to the people such an amendment to the Constitution as will validate bonds issued in aid of railroads.

On motion of Mr. Owen,

The memorial was ordered printed in the journal, and referred to the committees on the judiciary and internal improvements, jointly.

The following is the memorial:

To the Honorable the Legislature of the State of Michigan:

We, the undersigned, mayor and common council of the city of St. Clair, respectfully petition and request your honorable body to submit to the people at the next general election, an amendment to the Constitution of our State, legalizing, authorizing, and permitting the city of St. Clair to pay the St. Clair city railroad aid bonds which have already been issued, and now on deposit in the office of the State Treasurer. Or in other words, to submit such an amendment to the people as shall validate and authorize the payment of all municipal bonds issued in aid of railroads, whether the same be already delivered or still in the hands of the State Treasurer.

JNO. E. KITTON, *Mayor.*
D. D. O'DELL,
FRED. S. STEELE,
SAM'L BENDIT,
G. STRAUSS,
Aldermen.

STATE OF MICHIGAN, } ss.
COUNTY OF ST. CLAIR, }

I, J. Ward Hill, clerk of the city of St. Clair, in said county, do hereby certify that at a regular meeting of the common council of the said city, held on the first day of August, 1870, the said council did adopt the foregoing, and that the signatures to the same are genuine.

Witness my hand and the seal of said city, on the 1st day of August, A. D. 1870.

[L. S.]

J. WARD HILL,
City Clerk.

REPORTS OF STANDING COMMITTEES.

By the committee on State affairs:

The committee on State affairs, to whom was referred so much of the Governor's message as relates to the compilation of the social statistics of the State, and also Senate bill No. 2, entitled

A bill to provide for the collection of the social statistics of Michigan,

Respectfully report, that as to the importance of the statistics mentioned, there can be no question that is not readily apparent. Correct and extensive statistical information is no less necessary to the mass of the people, in order that they may desire, appreciate, and understand correct legislation, than it is for the legislator to comprehend and to promote the best interests of his constituents. England, France, Austria, Prussia, Russia, Sweden, Belgium, and the smaller powers of Germany and Italy, have, in some mode or other, and under various designations, long possessed the advantage of correct official information upon their several national statistics.

The United States, in this respect, are far behind the nations referred to. The federal census act of 1850 failed to be amended in the spring of 1860, in the disturbed condition of public affairs, and during the session of Congress just closed a new and carefully prepared bill, which supplied and remedied the defects of the act of 1850, failed only by reason of a dis-

agreement between the two Houses of Congress on the mode of appointing district superintendents. In thirty-one out of the thirty-six States of the Union, legislative enactments have been passed from time to time, requiring the collection of the social statistics of the State by town, county, and city officials, and the same are made matter of public record.

Michigan, hitherto, has failed to take the necessary action to place herself in harmony with other States in this matter, and is now sadly deficient in that statistical information, which the bill now before this body will remedy. Unless this bill becomes a law, the interests of Michigan will be greatly sacrificed in the comparative statistics that are now being gathered by her sister States, as the census law of 1850 (now in force) is based on the theory that the State has already in its possession the information comprised in schedule number five of that act,—popularly known as *social statistics*,—and in the failure of this bill to become a law, the United States deputy marshal (Mr. H. H. Smith of Washington), having the matter in charge, will be obliged to collect the social statistics of Michigan as best he may with the limited means at his command—being less than five hundred dollars, and of which sum at least one-half, as your committee are assured, has already been expended without obtaining anything reliable toward the end desired. The amount appropriated by the bill is simply sufficient to cover the actual expense in economically gathering the needed information, though it is possible that it may be accomplished for $4,500. But, of course, no more of the sum appropriated will be expended than may become absolutely necessary.

The basis of compensation, as will be seen by the bill, is that of population, which experience has shown to be the only fair and correct principle, as the greater the number of inhabitants the greater will be the information as to schools, churches, libraries, newspapers, newspaper circulation, pauperism, crime, &c., &c. It is especially important that there

should be a full and complete exhibit of the educational advantages that Michigan presents, for there is no doubt that a full showing in this respect will place her in the front rank of the sisterhood of States, and do much towards inviting a more than usually intelligent and enlightened class of immigration.

The contingent amount to be expended by the Secretary of State in his discretion, not to exceed the sum of one thousand dollars, is deemed necessary by your committee to cover expenses of clerical labor, printing of circulars, postage, and other incidental items that may occur. The blanks to be filled with the desired statistics, copies of which have been laid upon the table of each member, are to be furnished by the general government.

So important has this matter been deemed, that our entire delegation in Congress united in requesting the Executive of the State to bring this matter to the attention of the Legislature convened in extraordinary session. The entire press of the State almost, without reference to party, have discussed this question and urged the passage of an enactment for the collection of these important and interesting statistics, and your committee deem it difficult to see what valid objection can be urged against the passage of the bill which has been referred to them.

Your committee therefore report the bill back to the House without amendment, and recommend that it do pass, and ask to be discharged from the further consideration of the subject.

JOHN N. INGERSOLL, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Miles,

The rules were suspended, and the bill was placed on its immediate passage.

The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Armstrong,	Mr. Grant,	Mr. Osborn,
Ashley,	Green,	Owen,
Avery,	Harris,	Plimpton,
Barnaby,	Holt,	Putnam,
Baxter,	Horton,	Riford,
Beall,	Hubbard,	Riopelle,
Bennett,	Hunt,	Romeyn,
Blake,	Hurlbut,	Sanford,
Bostwick,	Huston,	Shaw,
G. G. Briggs,	Hutchinson,	Sheldon,
R. V. Briggs,	Ingersoll,	Shier,
Brownell,	Jewell,	Sickels,
Cameron,	L. Kendrick,	Slayton,
B. Clark,	F. G. Kendrick,	Snell,
O. Clark,	Kingsley,	Stannard,
Cogshall,	Klein,	Stewart,
Crane,	Lane,	Stockbridge,
Crossman,	Lee,	Vowles,
Curry,	Lovell,	Wagner,
Davis,	Mandigo,	Walker,
Doty,	McCowen,	Walton,
Dusseau,	McKernan,	Weier,
Eaton,	Mead,	Wendell,
Eck,	Miles,	Westover,
Elliott,	Miller,	Wilcox,
Fenner,	Mitchell,	W. D. Williams,
Fuller,	Murray,	Woodard,
Gay,	Norton,	Speaker,
Goodrich,		85

NAYS.

Mr. White,	Mr. J. A. Williams,	2

Title agreed to.

On motion of Mr. Cameron,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

MESSAGE FROM THE GOVERNOR.

The Speaker announced the following:

EXECUTIVE OFFICE,
Lansing, August 2, 1870.

To the House of Representatives:

In compliance with a resolution of your Honorable body, requesting the Governor and State Treasurer to send to the

House copies of all papers upon which the State Treasurer delivered to the Detroit, Hillsdale and Indiana Railroad Company $50,000 of the bonds of the city of Ypsilanti, after the decision of the Supreme Court declaring the laws under which such bonds were issued to be null and void, I herewith transmit copies of the following papers:

First. Certified copy of the request made by 39 tax-paying electors upon the Mayor of Ypsilanti to call a meeting for the purpose of submitting the question of voting aid to said railroad company.

Second. Certified copy of the call made by the Mayor.

Third. Certified copy of the canvass and the votes cast.

Fourth. Certificate of the Mayor of Ypsilanti that the railroad company had constructed its road from its intersection with the Michigan Central Railroad through the city and township of Ypsilanti, and into the township of Pittsfield, in full compliance with act No. 45, session laws of 1869, and in full compliance with the terms and conditions made by the city of Ypsilanti in voting its aid, and that the railroad company were entitled to the $50,000 of the city so voted.

Fifth. Certificate of the chief engineer of the railroad company to the same effect as that of the Mayor of Ypsilanti.

Some days prior to the decision of the court, one of the officers of the road applied to me for copies of all papers necessary, in order to procure the bonds voted by the city of Ypsilanti, informing me that application would be made immediately for such bonds.

The necessary certificates were not furnished, however, until the 31st of May, and when presented I declined to give the required certificate to the railroad company until I could procure the opinion of the Attorney General as regards my duty in the premises.

On applying to that officer, he expressed the opinion that, inasmuch as the railroad company had furnished clear and sufficient proof of full compliance on its part with the provisions of Act No. 45, of 1869, and with the terms and con-

ditions made by the city of Ypsilanti, there was no good reason for declining to give the proper certificate to that effect, as required by section six of the act of the Legislature under which the bonds were claimed; that the question of the value of the bonds was not for the Executive, but for the company to decide. Some days subsequent to the application and file of the proper papers, on the 10th of June, the certificate to the State Treasurer was given in compliance with the provisions of the act.

It is proper to state, that after full deliberation on the subject, I came to the conclusion to take no action on such applications in the future, until some legislation on the general subject should be had.

An amendment of the Constitution to enable the municipalities to legalize all bonds delivered before the dicision of the court was rendered, would leave the bonds in question neither more nor less valuable than though still in the office of the State Treasurer; an amendment of a broader character would have precisely the same effect.

HENRY P. BALDWIN.

The following are the accompanying documents:

PARMENIO DAVIS, *Mayor of the City of Ypsilanti, Michigan:*

The undersigned, tax-paying electors of said city request you to call a public meeting of the electors of said city, to vote upon the question of aiding the Detroit, Hillsdale and Indiana Railroad Company to the amount of fifty thousand dollars by an issue of the bonds of said city, bearing an annual interest of eight per cent., redeemable at the pleasure of the city, at any time after five years from their delivery to said railroad company, and payable twenty years from said day, interest to commence from the day of delivery to said company, upon condition that the railroad of said company shall have and continue its eastern terminus in said city, or connect with the Michigan Central Railroad, within the limits of said city forever. And upon the further condition, that if any citizen of Ypsilanti

shall subscribe and pay for any share of stock of the Detroit, Hillsdale and Indiana Railroad Company, said company shall deliver to the person so subscribing and paying for such share, the bond or bonds of said city, equal to the amount so subscribed and paid for, not exceeding in all the amount of bonds issued by said city to said railroad company; and that citizens of said city shall have the right so to subscribe to the stock of said railroad company, to an amount not exceeding fifty thousand dollars, for thirty days after such aid shall have been voted.

YPSILANTI, Mich., May 21st, 1869.

F. W. Hawkins,	Charles Stuck,	W. R. Post,
A. Williams,	B. W. Hemphill,	A. Aber,
H. G. Hamlin,	Samuel Crabb,	J. Bickford,
H. C. Smith,	C. D. Bassett,	J. H. Martin,
C. L. Yost,	F. H. Pease,	H. Downey,
Lee Hendricks,	J. M. Chiddester,	M. H. Brooks,
P. Stevens,	C. Cornwell,	H. C. Camp,
Chas. McCormick,	N. K. Towner,	Wm. G. Cox,
H. Feldman,	C. Joslin,	J. Cady,
G. W. Buchanan,	Jas. T. Campbell,	L. D. Showerman,
Wm. A. Allen,	H. P. Glover,	W. H. Hawkins,
Wm. R. Davis,	Wm. G. Henderson,	Geo. S. Capwell,
E. G. Boyce,	S. Post,	I. S. Davis.

Now, therefore, in compliance with the above request, I, Parmenio Davis, Mayor of said city of Ypsilanti, hereby call a meeting of the lawful electors of said city, to be held in the several wards of said city, at the places where the last election in said city was held, on Monday the 12th day of July, A. D. 1869, the polls to be opened at 8 o'clock A. M. and close at 4 o'clock P. M., for the purpose of voting upon the question of the aforesaid proposed aid to said Detroit, Hillsdale & Indiana railroad company.

Witness my hand at the said city of Ypsilanti, this 12th day of June, A. D. 1869.

PARMENIO DAVIS, *Mayor.*

I, Norman K. Towner, clerk of the city of Ypsilanti, do hereby certify that the foregoing is a true and correct copy of the original request of thirty tax-paying electors of said city, made to the mayor thereof, for a meeting of the electors of said city, to submit the question of voting aid to the Detroit, Hillsdale & Indiana railroad company, to the amount and upon the terms and conditions therein specified; and the call of said mayor, made in pursuance thereof, now on file in my office.

In witness whereof, I have hereunto set my hand and [L. S.] the seal of said city, this 31st day of May, A. D. 1870.

NORMAN K. TOWNER,
City Clerk.

I do further certify, that the following is a true copy of the proceedings of the common council of said city of Ypsilanti, convened as a board of canvassers, on the 15th day of July, A. D. 1869, as appears by the record thereof.

BOARD OF CANVASSERS, }
Thursday, July 15, 1869. }

Council convened as a board of canvassers, Alderman Cornwell in the chair.

Present—Aldermen Damon, Forsyth, Gray, Guild, Hawkins, McCormick and Uhl.

The clerk having read the election returns of the several inspectors of election held on the 12th inst., and the same having been duly compared by the chair, Alderman Uhl submitted the following preamble and resolutions:

Whereas, It appears from the certified returns of the inspectors of elections of the several wards of the city of Ypsilanti, that the special election, held in said city on Monday, the 12th day of July instant, pursuant to call of the Mayor thereof, to vote upon the question of aid to the Detroit, Hillsdale and Indiana Railroad Company, to the amount and upon the conditions in such call or notice stated and contained, which returns are now on file in the city clerk's office, that the whole number of votes cast was 711, of which 662 were cast in favor

of such aid, to wit: aid to railroad, "yes;" and 49 against the same, to wit: aid to railroad, "no;"

Therefore, it is hereby determined and certified, That a majority of all the votes cast were in favor of such aid, and the city clerk is hereby directed to enter such result upon the records of the city, and file certificates thereof in the office of the clerk of the county of Washtenaw. Adopted.

Witness my hand and the seal of said city, the 31st day of May, A. D. 1870.

N. K. TOWNER,
City Clerk.

I, Parmenio Davis, Mayor of the city of Ypsilanti, do hereby certify that the Detroit, Hillsdale and Indiana Railroad Company has constructed and completed that portion of its road-bed, and ironed the same with the usual T rail, commencing at the initial or starting point of said road, to wit: the intersection of the same with the Michigan Central railroad, in the city of Ypsilanti, thence through the said city, and through the township of Ypsilanti, and into the township of Pittsfield, for a distance of six miles from such starting point, and in full compliance with the terms and conditions made by the city of Ypsilanti in voting its bonds in aid of said road, and that said company is now entitled to the bonds so voted.

Witness my hand and the seal of said city, Ypsilanti, May 31, 1870.

PARMENIO DAVIS,
Mayor.

I, Joseph B. Walton, Chief Engineer of the Detroit, Hillsdale & Indiana Railroad Company, do hereby certify that the said company has constructed and completed that portion of its road-bed, and ironed the same with the usual T rail, commencing at the initial or starting point of said road, to wit: The intersection of the same with the Michigan Central Railroad in the city of Ypsilanti, thence through the said city, and through the township of Ypsilanti, and into the township of

Pittsfield, for a distance of six miles from such starting point; and in full compliance with the terms and conditions made by the city of Ypsilanti, in voting its bonds in aid of said road, and is entitled to the bonds so voted.

Ypsilanti, May 31, 1870.

JOSEPH B. WALTON,
Chief Engineer.

The message and the accompanying papers were laid on the table.

COMMUNICATIONS FROM STATE OFFICERS.

The Speaker announced the following:

STATE TREASURER'S OFFICE,
Lansing, Mich., July 30, 1870.

To the Speaker of the House of Representatives:

SIR—In compliance with a resolution adopted by the House July 29th, calling for "copies of all papers upon which the State Treasurer delivered to the Detroit, Hillsdale & Indiana Railroad Company $50,000 of the bonds of the city of Ypsilanti, after the decision of the Supreme Court declaring the laws under which such bonds were issued, to be null and void," I would respectfully reply that the bonds of the city of Ypsilanti, amounting to $50,000, in aid of the Detroit, Hillsdale, and Indiana railroad company, were delivered by me to said railroad company on the 21st day of June, 1870, in compliance with the terms of Sec. 6, of Act No. 45, laws of 1869, on the presentation by said railroad company of the certificate of the Governor, which certificate is in the following words:

STATE OF MICHIGAN,
EXECUTIVE OFFICE,
Detroit, June 10, 1870.

HON. E. O. GROSVENOR, *State Treasurer, Lansing:*

I, Henry P. Baldwin, Governor of the State of Michigan, hereby certify that the Detroit, Hillsdale, and Indiana railroad company has constructed that portion of its railroad, commencing at the initial, or starting point of said road, to wit: the intersection of the same with the Michigan Central rail-

road, in the city of Ypsilanti, Washtenaw county, thence through the said city, and through the township of Ypsilanti, and into the township of Pittsfield for a distance of six miles from such starting point, and that said railroad is constructed in all respects in compliance with the provisions of act No. 45, laws of 1869, approved March 22, 1869, and in compliance with the conditions upon which the city of Ypsilanti, in said county, at a special election held for such purpose, on the twelfth day of July, in the year of our Lord one thousand eight hundred and sixty-nine, voted to issue its bonds to aid said company, and that said company is thereby entitled to the fifty thousand dollars, in bonds of said city of Ypsilanti, voted, issued, and deposited with the State Treasurer of Michigan, for the purposes of said company in the construction of its road.

In witness whereof I have hereunto set my hand this
[L. S.] tenth day of June, in the year of our Lord one thousand eight hundred and seventy.

(Signed,) HENRY P. BALDWIN,
Governor of the State of Michigan.

All of which is respectfully submitted.

E. O. GROSVENOR,
State Treasurer.

The communication was laid on the table.

MESSAGE FROM THE SENATE.

The Speaker announced the following:

SENATE CHAMBER,
Lansing, August 2d, 1870.

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit the following concurrent resolution:

Resolved, (the House concurring,) That the question of the advisability of a submission of the Constitution of 1867 to the vote of the electors at the ensuing general election be referred to a joint special committee of the two Houses, with instructions to report by joint resolution or otherwise.

Which has passed the Senate, and in which the concurrence of the House is respectfully asked.

Very respectfully,

HENRY S. SLEEPER,
Secretary of the Senate.

Mr. Stewart moved that the House concur in the adoption of the concurrent resolution;

Which motion prevailed.

Mr. Holt moved that the Speaker appoint a committee of seven on the part of the House to act with such committee as the Senate may appoint, to consider the subject embraced in the resolution;

Which motion prevailed.

THIRD READING OF BILLS.

House joint resolution No. 1, entitled

Joint resolution proposing an amendment to the constitution of the State of Michigan, for the purpose of making valid the aid heretofore voted to aid in the construction of railroads,

Was read a third time, and the question being upon its passage, pending the taking of the vote thereon,

On motion of Mr. Huston,

The joint resolution was laid on the table.

GENERAL ORDER.

On motion of Mr. Sanford,

The House went into committee of the whole, on the general order,

Mr. G. G. Briggs in the chair.

After some time spent therein, the committee rose, and, through the chairman, made the following report:

The committee of the whole have had under consideration the following entitled joint resolution:

House joint resolution No. 2, entitled.

Joint resolution proposing an amendment to the Constitution to the State of Michigan for the purpose of enabling the

tax-paying electors of this State to vote aid in the construction of railroads,

Have made some progress therein, but not having gone through therewith, have directed their chairman to report that fact to the House, and ask leave to sit again.

GEO. G. BRIGGS, *Chairman.*

Report accepted.

On motion of Mr. Osborn,

Leave was granted the committee to sit again.

The Speaker announced as the committee on the part of the House to act with a committee of the Senate to report on the advisability of re-submitting to the electors the Constitution of 1867, Messrs. Holt, Stockbridge, Baxter, Huston, Miles, Kingsley and W. D. Williams.

On motion of Mr. Cogshall,

The House took a recess until 2½ o'clock this afternoon.

AFTERNOON SESSION.

2½ o'clock P. M.

The House met and was called to order by the Speaker.

Roll called: quorum present.

By unanimous consent, Mr. Cameron offered the following:

Resolved, That the use of this Hall this evening be granted for the purpose of listening to several addresses on railroad aid legislation;

Which was adopted.

GENERAL ORDER.

On motion of Mr. Sanford,

The House went into committee of the whole on the general order,

Mr. Crossman in the chair.

After some time spent therein, the committee rose, and through the chairman, made the following report:

The committee of the whole have had under consideration the following entitled joint resolution:

House joint resolution No. 2, entitled

Joint resolution proposing an amendment to the Constitution of the State of Michigan for the purpose of enabling the tax-paying electors of this State to vote aid in the construction of railroads,

Have made sundry amendments thereto, and have directed their chairman to report the same back to the House, asking concurrence therein, and recommend its passage.

D. L. CROSSMAN, *Chairman.*

Report accepted, and committee discharged.

On motion of Mr. Smith,

The House concurred in the amendments made to the joint resolution by the committee.

Mr. Plimpton moved that the House reconsider the vote by which the amendments were concurred in;

Which motion prevailed.

Mr. Avery moved to amend the amendment to the first proviso of the resolution by striking out the words "a majority of;"

Which motion prevailed.

The amendments as amended were then concurred in, and the Joint Resolution placed on the order of third reading.

Mr. Sanford moved that the Joint Resolution as amended be printed in the journal;

Which motion prevailed.

The following is the joint resolution:

JOINT RESOLUTION proposing an amendment to the Constitution of the State of Michigan for the purpose of enabling the tax-paying electors of this State to vote aid in the construction of railroads.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to the constitution of the State be and the same is hereby proposed, the same to stand as an additional section of article eighteen, to be known as section seventeen:

SECTION 17. The Legislature may provide by law that cities,

incorporated villages, and townships may aid by loan or donation in the construction of railroads: *Provided*, Two-thirds of the qualified electors voting thereon shall so determine, none of whom shall be deemed qualified unless he shall have resided in his ward, village, or township, for three months previous to the date of such election: *And provided further*, That such aid, together with all previous unpaid indebtedness incurred in aid of railroads by such city, village, or township, shall not exceed five per cent. of the equalized valuation of such municipalities, and shall be raised and paid by annual tax within five years after the road is completed through such municipality.

The aforesaid amendment shall be and is hereby submitted to the people of this State at the next general election to be holden on the Tuesday succeeding the first Monday in November, 1870, as provided in section one, article twenty, of the Constitution; and the Secretary of State is hereby required to give notice of the same to the Sheriffs of the several counties of this State in the same manner that he is now by law required to do in the case of an election of Governor and Lieutenant Governor; and the inspectors of election in the several townships and cities of this State shall prepare a suitable box for the reception of ballots cast for and against such amendment. Each person voting for said amendment shall have written or printed on his ballot the words: "Amendment authorizing future aid to railroads—Yes;" and each person voting against it, the words: "Amendment authorizing future aid to railroads—No." The ballots shall in all respects be canvassed, and returns be made as in elections of Governor and Lieutenant Governor.

MESSAGE FROM THE SENATE.

By unanimous consent, the Speaker announced the following:

SENATE CHAMBER,
Lansing, August 2, 1870.

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to inform the House

that the Senate has appointed Senators Norris, T. G. Smith, Koon, Warner and Prutzman, as members, on the part of the Senate, of the joint committee to consider the advisability of submitting the constitution of 1867 to a vote of the people at the ensuing general election.

Very respectfully,

HENRY S. SLEEPER,

Secretary of the Senate.

The message was laid on the table.

On motion of Mr. Green,

The House adjourned until to-morrow morning at 9 o'clock.

Lansing, Wednesday, August 3, 1870.

The House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Davis.

Roll called: quorum present.

Absent without leave: Messrs. Purcell, H. G. Williams and Yawkey.

Mr. Riopelle asked and obtained leave of absence for himself until Friday noon.

PRESENTATION OF PETITIONS.

By Mr. Ashley: petition of Levi Aldrich, W. W. Sweetland and 24 others, citizens of Cass county, asking for the submission to the people of amendments to the Constitution legalizing railroad aid bonds, and authorizing future aid to be voted by municipalities to an amount not exceeding five per cent. of assessed value of property.

Referred to the committee on judiciary and internal improvements, jointly.

THIRD READING OF BILLS.

House joint resolution No. 2, which reads as follows:

JOINT RESOLUTION proposing an amendment to the Constitution of the State of Michigan, for the purpose of enabling the tax-paying electors of this State to vote aid in the construction of railroads.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to the constitution of the State be and the same is hereby proposed, the same to stand as an additional section of article eighteen, to be known as section seventeen:

SECTION 17. The Legislature may provide by law that cities, incorporated villages, and townships may aid by loan or donation in the construction of railroads: *Provided*, Two-thirds of the qualified electors voting thereon shall so determine, none of whom shall be deemed qualified unless he shall have resided in his ward, village, or township, for three months previous to the date of such election: *And provided further*, That such aid, together with all previous unpaid indebtedness incurred in aid of railroads by such city, village, or township, shall not exceed five per cent. of the equalized valuation of such municipalities, and shall be raised and paid by annual tax within five years after the road is completed through such municipality.

The aforesaid amendment shall be and is hereby submitted to the people of this State at the next general election to be holden on the Tuesday succeeding the first Monday in November, eighteen hundred and seventy, as provided in section one, article twenty of the constitution; and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties of this State in the same manner that he is now by law required to do in the case of an election of Governor and Lieutenant Governor; and the inspectors of election in the several townships and cities of this State shall prepare a suitable box for the reception of ballots cast for and against such amendment. Each person voting for said amendment shall have written or printed on his ballot the words "Amend-

ment authorizing future aid to railroads—Yes;" and each person voting against it, the words: "Amendment authorizing future aid to railroads—No." The ballots shall in all respects be canvassed, and returns be made as in elections of Governor and Lieutenant Governor,

Was read a third time, and the question being upon it passage, pending the taking of the vote thereon,

Mr. Huston moved that the joint resolution be recommitted to the joint committee on judiciary and internal improvements, with instructions to report forthwith the following substitute for section 17:

SECTION 17. The Legislature may provide that cities, incorporated villages, and townships, may aid by loan or donation, in the construction of railroads, under such restrictions and regulations as may be provided by law, and define the manner of voting such aid, and the qualifications of electors entitled to vote at any election held under the provisions of this section: *Provided,* Such aid shall not exceed, together with all unpaid indebtedness incurred in aid of railroads by such city, village or township, five per cent. of the assessed valuation of such municipalities, at the time such aid is voted.

Mr. W. D. Williams moved to amend the instructions so that the joint committee be instructed to report the following as a substitute for section 17:

SECTION 17. The Legislature may provide by law that cities, incorporated villages, and townships may aid by loan or donation in establishing or carrying on any enterprise or business: *Provided,* Two-thirds of the qualified electors voting thereon shall so determine.

Mr. Cameron moved to lay the motion to amend on the table;

Which motion was withdrawn.

Mr. W. D. Williams demanded the yeas and nays on his motion to amend.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows:

YEAS.

Mr. Ashley,	Mr. Hutchinson,	Mr. Sheldon,
Bostwick,	F. G. Kendrick,	Stannard,
O. Clark,	Klein,	Weier,
Cogshall,	Mandigo,	White,
Doty,	Millington,	J. A. Williams,
Dusseau,	Murray,	W. D. Williams,
Gifford,	Norton,	Woodard,
Harris,	Putnam,	23

NAYS.

Mr. Armstrong,	Mr. Grant,	Mr. Newman,
Avery,	Green,	Osborn,
Barnaby,	Harston,	Owen,
Baxter,	Holt,	Plimpton,
Beall,	Horton,	Riford,
Bennett,	Hubbard,	Sanford,
Blake,	Hunt,	Seward,
G. G. Briggs,	Hurlbut,	Shaw,
R. V. Briggs,	Huston,	Shier,
Brownell,	Ingersoll,	Sickels,
Cameron,	Jewell,	Slayton,
B. Clark,	L. Kendrick,	Smith,
Crane,	Kingsley,	Snell,
Crossman,	Lane,	Stewart,
Curry,	Lee,	Stockbridge,
Davis,	Lovell,	Vowles,
Eaton,	Mason,	Wagner,
Eck,	McCowen,	Walker,
Elliott,	McKernan,	Walton,
Fenner,	Mead,	Ward,
Fuller,	Miles,	Westover,
Gay,	Miller,	Wilcox,
Goodrich,	Mitchell,	Speaker, 69

The question recurring upon the motion of Mr. Huston,

Mr. Osborn moved to amend the motion by instructing the committee to report back the original joint resolution solely, with the extra qualification stricken out;

Which motion was ruled out of order by the Speaker on the ground that a proposition to strike out all of section 17 and insert a new proposition having been rejected, it was not now in order to amend by simply striking out a portion of the section without inserting anything.

Mr. Owen moved to amend the instructions of the committee so that they should report the joint resolution so that section 17 should read as follows:

SEC. 17. The Legislature may provide by law that cities, incorporated villages and townships, may aid by loan or donation in the construction of railroads: *Provided*, They shall limit the amount of such aid to five per cent. of the equalized valuation of such municipalities;

Which motion did not prevail.

Mr. Osborn moved to amend the instructions to the committee by requiring them to report said joint resolution back to the House forthwith, with all of the first proviso stricken out after the word "*determine;*"

Which was ruled out of order by the Speaker for the same reasons as the previous motion of Mr. Osborn.

Mr. Crossman moved to recommit the joint resolution to the committees on judiciary and internal improvements, without instructions.

The Speaker ruled the motion out of order, on the ground that the object could be more directly reached by dividing the question before the House; first taking the question on the instructions, which, if voted down, would still leave the motion to recommit without instructions pending.

The motion of Mr. Huston, to recommit with instructions, did not prevail.

The joint resolution was then not passed, two-thirds of all the members elect not voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Avery,	Mr. Green,	Mr. Norton,
Barnaby,	Hartson,	Owen,
Baxter,	Holt,	Riford,
Beall,	Hubbard,	Sanford,
Blake,	Hunt,	Shaw,
G. G. Briggs,	Hurlbut,	Shier,
Brownell,	Huston,	Sickels,
Cameron,	Ingersoll,	Slayton,

B. Clark,	Jewell,	Smith,
Crossman,	L. Kendrick,	Snell,
Curry,	Lane,	Stockbridge,
Doty,	Lee,	Vowles,
Eaton,	Lovell,	Wagner,
Eck,	McCowen,	Walker,
Elliott,	McKernan,	Walton,
Fenner,	Mead,	Ward,
Fuller,	Miller,	Westover,
Gay,	Mitchell,	Wilcox,
Goodrich,	Newman,	Speaker,
Grant,		58

NAYS.

Mr. Armstrong,	Mr. Harris,	Mr. Putnam,
Ashley,	Horton,	Romeyn,
Bennett,	Hutchinson,	Seward,
Bostwick,	F. G. Kendrick,	Sheldon,
R. V. Briggs,	Kingsley,	Stannard,
O. Clark,	Klein,	Stewart,
Cogshall,	Mason,	Weier,
Crane,	Miles,	White,
Davis,	Millington,	J. A. Williams,
Dusseau,	Murray,	W. D. Williams,
Gifford,	Osborn,	Woodard, 33

Mr. Mason moved that the vote by which the House refused to pass the joint resolution, be reconsidered;

Which motion prevailed.

On motion of Mr. Osborn,

The joint resolution was laid on the table.

The Sergeant-at-Arms announced the Private Secretary of the Governor, who transmitted to the House a message from His Excellency the Governor, in writing.

MOTIONS AND RESOLUTIONS.

Mr. Osborn moved to take from the table, House joint resolution No. 1, entitled

Joint resolution proposing an amendment to the Constitution of the State of Michigan for the purpose of making valid the aid heretofore voted to aid in the construction of railroads;

Which motion prevailed.

The joint resolution having been read a third time, and the

question being upon its passage, pending the taking of the vote thereon,

Mr. Osborn moved to recommit the joint resolution to the joint committee on judiciary and internal improvements, with instructions to report two separate resolutions—one to make valid all aid voted or bonds issued for any railroad aid: *Provided*, The road for which such aid was voted, or bonds issued had its track finished as required by Act 45, Session Laws of A. D. 1869, on the 27th day of May, A. D. 1870. Also, one to resubmit to the municipalities having voted any aid or issued any bonds, which aid or bonds shall not have been fully earned as provided by Act 45, Session of 1869;

Which motion did not prevail.

Mr. Ingersoll moved to lay the joint resolution on the table;

Which motion did not prevail.

Mr. Harris moved that there be a call of the House;

Which motion prevailed.

PROCEEDINGS UNDER THE CALL.

The roll of the House was called by the Clerk, and the following members reported absent without leave:

Messrs. Plimpton, Purcell, Wendell and Yawkey.

On motion of Mr. G. G. Briggs,

The Sergeant-at-Arms was despatched after the absentees.

Mr. Klein moved that all further proceedings under the call be dispensed with;

Which motion did not prevail.

The Sergeant-at-Arms announced Mr. Plimpton at the bar of the House.

On motion of Mr. Brownell,

Mr. Plimpton was admitted within the bar, rendered an excuse, and took his seat.

On motion of Mr. Cogshall,

All further proceedings under the call were dispensed with.

The question recurring upon the passage of the joint resolution,

Mr. R. V. Briggs moved to amend the joint resolution by substituting the following for section 16:

Section 16. All bonds which have been voted and issued by any county, city, township or village, previous to the twenty-seventh day of May, A. D. 1870, to aid any railroad company in the construction of its road, and which have been delivered to any railroad company, and negotiated in good faith, prior to the said 27th day of May, A. D. 1870, in accordance with the provisions of any act of the Legislature of this State, shall be and are hereby made valid: *Provided*, That no tax shall be assessed, levied and collected in payment of such bonds, until it shall be re-submitted and determined by a vote of such municipality, as shall be provided by law.

Mr. R. V. Briggs demanded the yeas and nays.

The demand was seconded, and the substitute was not adopted, by yeas and nays, as follows:

YEAS.

Mr. Bennett,	Mr. Hutchinson,	Mr. Stewart,
R. V. Briggs,	Miles,	Weier,
O. Clark,	Millington,	Wendell,
Cogshall,	Murray,	White,
Crane,	Putnam,	Wilcox,
Harris,	Seward,	J. A. Williams,
Horton,	Stannard,	20

NAYS.

Mr. Armstrong,	Mr. Grant,	Mr. Norton,
Ashley,	Green,	Osborn,
Avery,	Hartson,	Owen,
Barnaby,	Hubbard,	Plimpton,
Baxter,	Hunt,	Riford,
Beall,	Hurlbut,	Romeyn,
Blake,	Huston,	Sanford,
Bostwick,	Ingersoll,	Shaw,
G. G. Briggs,	Jewell,	Shier,
Brownell,	L. Kendrick,	Sickles,
Cameron,	F. G. Kendrick,	Slayton,
B. Clark,	Kingsley,	Smith,
Crossman,	Lane,	Snell,
Curry,	Lee,	Stockbridge,
Davis,	Lovell,	Vowles,

Doty,	Mandigo,	Wagner,
Eaton,	Mason,	Walker,
Eck,	McCowen,	Walton,
Elliott,	McKernan,	Ward,
Fenner,	Mead,	Westover,
Fuller,	Miller,	W. D. Williams,
Gay,	Mitchell,	Speaker,
Goodrich,	Newman,	68

Mr. Miles moved to recommit the joint resolution to the joint committee on judiciary and internal improvements, with instructions to report the following as a substitute therefor:

JOINT RESOLUTION proposing an amendment to the Constitution of the State of Michigan for the purpose of making valid the aid heretofore voted to aid in the construction of railroads.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to the Constitution of the State be and the same is hereby proposed, the same to stand as an additional section of article four, to be known as section forty-nine:

SEC. 49. The Legislature shall have power to enact laws authorizing the respective counties, cities, towns and villages of this State, which have issued bonds or other evidence of indebtedness to aid in the construction of railroads, to assess, levy and collect taxes (upon a vote of the electors thereof) to pay such bonds or other evidences of indebtedness.

The aforesaid amendment shall be and is hereby submitted to the people of this State at the next general election to be holden on the Tuesday succeeding the first Monday in November, 1870, as provided in section one, article twenty of the Constitution; and the Secretary of State is hereby required to give notice of the same to the Sheriffs of the several counties of this State in the same manner that he is now required by law to do in the case of an election of Governor and Lieutenant Governor; and the inspectors of election in the several townships and cities of this State shall prepare a suitable box for the reception of ballots cast for and against such amendment.

Each person voting for said amendment shall have written or printed on his ballot the words: "Amendment, making valid aid heretofore voted to railroads—Yes;" and each person voting against it, the words: "Amendment, making valid aid heretofore voted to railroads—No." The ballots in all respects shall be canvassed and returns be made as in elections of Governor and Lieutenant Governor.

Mr. Miles withdrew his motion.

Mr. Huston moved to recommit the joint resolution to the joint committees on judiciary and internal improvements;

Which motion prevailed.

Mr. G. G. Briggs moved to take from the table the following:

Resolved, (the Senate concurring,) That this House adjourn *sine die*, on Friday, the 5th day of August next, at 12 o'clock noon;

Which motion prevailed.

Mr. Sanford moved to amend the resolution by striking out the word "House," and inserting "Legislature," in lieu thereof;

Which motion prevailed.

Mr. Norton moved to further amend the resolution by striking out "Friday, the 5th," and inserting "Monday, the 8th," in lieu thereof;

Which motion did not prevail.

Mr. Plimpton moved to amend the resolution by striking out "Friday, the 5th," and inserting "Tuesday, the 9th," in lieu thereof;

Which motion did not prevail.

The resolution was then adopted.

By unanimous consent, the committee on elections submitted the following report:

The committee on elections, to whom was referred the following preamble and resolution offered by Mr. Romeyn, to wit:

Whereas, It is provided by the Constitution of this State, that no person holding any office under the United States is eligible to or shall have a seat in either House of the Legislature;

And whereas, It is further provided that a removal from their (Senators and Representatives) respective counties or districts shall be deemed a vacation of their office;

And whereas, It is understood that the seats of several members of this Legislature have become vacated by reason of such removal, and that others elected at the last general election are not entitled to seats in this House by reason of their acceptance of office under the Government of the United States, as follows, to wit:

John N. Ingersoll, 1st district, Shiawassee county;

William W. Hartson, 3d district, St. Clair county;

Charles A. Jewell, 1st district, Lenawee county;

Jacob Walton, 3d district, Lenawee county;

Hubert G. Williams, Marquette county.

Resolved, That the committee on elections be instructed to investigate without delay the matter under consideration, and to report the result of such investigation to this House,

Respectfully report that they have had the same under consideration so far as relates to John N. Ingersoll and Jacob Walton, with the following result:

John N. Ingersoll has been for some time Assistant Assessor for Shiawassee county. Jacob Walton was appointed Assistant Marshall for the purpose of taking the census in four towns in Lenawee county. He discharged the duties of the position and resigned prior to July 27th last. As to the *facts* in the case, your committee agree. As to *results* and *conclusions,* they differ.

This, therefore, is presented not as a unanimous report of the committee, but as the opinion of the undersigned majority of the committee.

John N. Ingersoll and Jacob Walton are charged with vacating their seats in this House by accepting appointment under the government as above, and this House is now called upon to declare their seats vacant under Sec. 6, of Article 4, of the Constitution, which reads as follows: "No person holding any office under the United States (or this State) or any county

office except notaries public, officers of the militia, and officers elected by townships, shall be eligible to or have a seat in either House of the Legislature; and all votes given for any such person shall be void."

Does the Constitution declare a vacancy in the seat of any member who has been regularly elected to a seat in this House, but who subsequently accepts a government appointment? Let us see. We have been running as a State government under this Constitution twenty years. It is fair to presume that it is understood by this time. The people have, in the meantime, rejected a new constitution, thereby adhering to the old. It is fair to presume that they like it; that its various provisions have been fertilized, and the laws of the State are such as to give them force. Then, if the constitution creates a vacancy in the office of Representative, is it not fair to presume that the constitution, or the laws of the State, provide for filling that vacancy? Certainly it must be; for no gentleman will suppose for a moment that anything in our system embraces *taxation* without *representation*; and if the constitution thus creates a vacancy, and the laws, rules and precedents of the Legislature for twenty years have failed to provide a means of determining and filling such vacancy, then for that whole time have districts been liable to be entirely unrepresented in either House, and that without a remedy.

The compiled laws, sections 473 to 475, page 219, specifies that certain things create a vacancy in certain offices. In the office of Representative, the specifications are only in case of death, resignation or removal, upon which the Governor is to issue a writ calling a special election in the district to fill the vacancy. Is it the province of the Governor to see that no member accepts a government appointment without resigning his former office? Or is it his duty, on the acceptance of such an appointment, to declare the seat vacant, and order a special election to fill it? Certainly not.

Section nine of the same article of the Constitution says: The House is the judge of the qualifications of its members.

Where then is the remedy? If the law has failed for twenty years to recognize a vacancy from such a cause, may we not well suppose that no such causes have ever occurred, or that no vacancy has ever occurred from such a cause? Why?

Is this the first instance where a member of the Legislature has held or accepted of a government, state or county office? We think not. In the session of 1855, Austin Blair occupied a seat in the Senate from Jackson County, and Charles Upson from St. Joseph county. Both of these gentlemen were at the same time Prosecuting Attorneys of their respective counties. An investigation of the matter was instituted, and these gentlemen retained their seats. There is no doubt that from five to ten similar cases of county, State or government office could be found in every subsequent Legislature; and the first case is yet to be found where any vacancy was ever declared and a constituency left unrepresented.

There are other cases in the present Legislature not under investigation; and we might cite numerous others within the knowledge of the committee. The chairman of this committee was elected to a seat in this House in November, 1866, at which time he was, as he had been for years, a post-master. Subsequent to the election, he found that in the Legislature of 1867, there were five other postmasters. He wrote several letters on the subject to legal gentlemen of ability and experience in the State Legislature, and was informed that the law contemplated no vacancy created by such a cause; and that the usage of all previous Legislatures was against the creation of such a vacancy.

Further, there is a broader view of the subject: Section nine of the Constitution already referred to, says, after providing for the expulsion of a member: "That no member shall be expelled for any cause known to his constituents antecedent to his election;" clearly implying in the strongest manner that the electors of a representative district are the supreme judges of their choice for Representative, and that it is not in the power of either house to leave them unrepresented for any

cause known to themselves prior to election. That they may not expel a Strang from Beaver Island, even though they know he is a renegade and out-law, if he has been properly declared the choice of his constituents. Certainly then, in view of the foregoing facts and deductions, the undersigned members of your committee are of the opinion that it is no part of the duty of this House to vacate the seats of the members named. That to do so, would leave a constituency as liable to taxation, under pending action, as any in the State, unrepresented, and would be an entire change of precedent in the whole matter, which the circumstances of the case do not warrant.

Further: There are eminent gentlemen upon this floor, and others, not members, among whom I will mention Attorney General May, who are of opinion that the position held by the members in question is not, within the meaning of the Constitution, a government office. Certainly, if an office at all, it is one of the lowest grade. Their appointment comes, not from the government, but from a subordinate. They give no bonds, make no returns to the government, and, in fact, transact business only with their chief, who is a government officer. But your committee do not care to discuss this question, but prefer to rest the matter wholly on the power of the House to judge of the qualifications of its members. On what eminent gentlemen on this floor at the regular session, were pleased to call the equities of the case, on the principle that constituencies are entitled to representation, and that the law as well as the rules and precedents of this Legislature extending back for twenty years, past ten regular sessions and almost as many special sessions, all under this same constitution, all are in favor of allowing these gentlemen to retain, unmolested, their seats, and represent their constituencies upon this floor.

The undersigned majority of your committee therefore respectfully recommend that the House do adopt the following resolution:

Resolved, That the further consideration of the question of the eligibility of John N. Ingersoll, of 1st district Shiawassee county, and Jacob Walton, of 3d district Lenawee county, to hold seats in this House, be indefinitely postponed.

D. L. CROSSMAN,
UZZIEL PUTNAM, JR.,
C. R. MILLINGTON.

Report accepted, and leave granted the minority of the committee to submit the following report:

The undersigned, minority of the committee on elections, to which committee was referred the resolution of inquiry as to the seats occupied in this House by John N. Ingersoll, Representative from the county of Shiawassee, and Jacob Walton, Representative from the county of Lenawee, (among others), being unable to agree with the conclusions and report of the majority of the committee, respectfully present the following report:

It appears from the evidence and statements of the gentlemen referred to that Mr. Ingersoll accepted an appointment as Assistant United States Assessor in the 6th district of this State, the duties of which he entered upon and still performs; that Mr. Walton accepted an appointment as Assistant Marshal for the taking of the United States census, and entered upon his duties as such. The fact that Mr. Walton has, as stated by him, resigned his appointment as Assistant Marshal, does not, in the opinion of the undersigned, affect the operation of the constitutional provision upon which they base this report, he having no power, after once becoming disqualified for a seat in the House, to qualify himself again for such position by his own act.

This provision (Art. IV. Sec. 6) is as follows:

SEC. 6. No person holding any office under the United States (or this State) or any county office, except notaries public, officers of the militia, and officers elected by townships, shall be eligible to, or have a seat in either House of the Legislature, and all votes given for any such person shall be void.

It is urged that this provision is intended only to render ineligible those *holding office at the time of the election*, and not, as well, to exclude from the seats to which they have been regularly elected, those who shall thereafter accept office under the United States. The undersigned cannot so construe it. It appears plain to them that the object of the provision referred to, was to exclude from the Legislature those who should be officers of the United States, (with others specified,) not only because the time of such could not be unreservedly given to their legislative duties, but to avoid outside influence and the powerful control and patronage of the general government. With all respect to the view of the majority of the committee, the undersigned cannot but consider it unsound, both on principle and according to the ordinary rules of interpretation, and what appears to them the grammatical construction, and insist that in an inquiry, where the express provisions of the Constitution are involved, no precedent, unless upheld by announced decisions of the courts of competent jurisdiction, is of any force or value, so far as this House is concerned, each member judging for himself in the matter, not according to precedent, or even equitable application, but *under the sanction of his official oath*, to support that Constitution.

A further point is presented, viz: As to what constitutes a United States officer under the provisions in question.

On this the undersigned are clear in the light of the cases decided in different courts, as well as the principles laid down by the elementary books. It is urged upon the part of the gentlemen whose cases are under consideration, that they are agents of United States officers, and not themselves *officers of the United States.*

This claim appears altogether unsound and untenable. Officers appointed under the provisions of statutes, whether of the State or the United States, are, in general, officers of the State or of the United States, as the case may be, and not agents of those superior officers to whom they owe their appointments.

In the cases under consideration they are so appointed under statutory provision, Mr. Ingersoll as deputy assessor under the Laws of 1862, (U. S. Stat., vol. 12, p. 434,) and Mr. Walton under the Census Law of 1852.

Where the relation of *principal and agent* exists, the principal is responsible for the acts of his agent within the scope of the authority granted. Not so in the case of these gentlemen. The assistant marshal takes an official oath, receives a commission from the marshal, has a compensation fixed by law, and is liable in a criminal action for neglect of duty or misdemeanor. The assistant assessor takes a similar oath, and is liable in a *qui tam* action for neglect to do so. He also receives a compensation fixed by law, and not an allowance from the officer who appoints him.

In a question of this importance it is thought best to cite by reference a few of the many cases to be found in the books, deciding the liability of superior U. S. officers for the acts of their inferiors and appointees:

2 Brock., (Marshall's Decisions,) 96, 116;

2 Hill, N. Y., 635;

2 Blatchford, U. S. Circuit Court Rep., 121;

6 Barbour, N. Y., 635;

7 Cranch, U. S. Rep., 242.

The undersigned refer also, in support of their position, to

2 Kent's Comm., 610;

Story on Agency, §§319 &c., §322.

The leading case on the subject of the relation of a U. S. Marshal to the United States will be found in 3 Blatchford's U. S. Circuit Court Reports, p. 326.

The undersigned having carefully considered the questions presented in this case, find themselves compelled to come to the conclusions:

1st. That John N. Ingersoll and Jacob Walton have, since their election to this House, accepted and held office under the government of the United States;

2d. That having accepted such office, they are, by the Constitution of the State of Michigan, disqualified from occupying seats in either House of the Legislature.

They therefore recommend the adoption of the following resolution:

Resolved, That John N. Ingersoll, of Shiawassee county, and Jacob Walton, of Lenawee county, having, since their election as members of the House of the Representatives of Michigan, accepted office under the government of the United States, are thereby disqualified to sit as such representatives in this House, and their seats are hereby declared vacant.

JAS. W. ROMEYN,
BELA COGSHALL,
Minority of Committee on Elections.

The report was accepted.

Mr. Sanford moved to adopt the resolution reported by the majority of the committee.

Mr. Miles moved to amend by adopting the resolution reported by the minority of the committee;

Which motion was ruled out of order by the Speaker, on the ground that the majority resolution was simply a motion to indefinitely postpone, which was not susceptible of amendment and must be decided without debate.

Mr. W. D. Williams moved to lay the resolution on the table;

Which motion did not prevail.

Mr. Miles demanded the yeas and nays on the resolution.

The demand was seconded and the resolution adopted, by yeas and nays, as follows:

YEAS.

Mr. Armstrong,	Mr. Goodrich,	Mr. Newman,
Ashley,	Grant,	Norton,
Avery,	Green,	Osborn,
Barnaby,	Hartson,	Owen,
Baxter,	Holt,	Plimpton,
Beall,	Hubbard,	Putnam,
Blake,	Hunt,	Riford,
Bostwick,	Hurlbut,	Sanford,

Brownell,	Huston,	Seward,
Cameron,	Hutchinson,	Shaw,
B. Clark,	Jewell,	Shier,
Crane,	L. Kendrick,	Sickels,
Crossman,	Kingsley,	Smith,
Curry,	Lane,	Snell,
Davis,	Lee,	Stannard,
Doty,	Lovell,	Stockbridge,
Eaton,	Mason,	Vowles,
Eck,	McCowen,	Wagner,
Elliott,	Mead,	Walker,
Fenner,	Miller,	Ward,
Fuller,	Millington,	Westover,
Gay,	Mitchell,	J. A. Williams,
Gifford,	Murray,	W. D. Williams,
		69

NAYS.

Mr. Bennett,	Mr. F. G. Kendrick,	Mr. Stewart,
R. V. Briggs,	Klein,	Weier,
O. Clark,	McKernan,	Wendell,
Cogshall,	Miles,	White,
Dusseau,	Romeyn,	Wilcox,
Harris,	Sheldon,	Woodard,
Horton,	Slayton,	20

MESSAGES FROM THE GOVERNOR.

By unanimous consent the Speaker announced the following:

EXECUTIVE OFFICE,
Lansing, August 3, 1870.

To the House of Representatives:

In compliance with a resolution of your Honorable body, requesting the Governor to furnish the House with any information he may possess relative to the sale of the "Reeder Farm" by the Board of Escheats, I would respectfully reply, that whatever interest the State may have possessed in what is known as the Reeder farm, having been disposed of by the Board of Escheats nearly a year prior to my connection with the State government, and having had no personal knowledge on the subject, or of the fact that such an Escheat was supposed to have occurred, until about the time, or subsequent to the date of its disposal, the information must be mainly from the files and records of the Board.

The Reeder farm, so called, is in the township of Springwells, and is supposed to have escheated to the territory of Michigan by the death of Maria Yorke Harvey, (wife of Edwin Reeder) who died in or about the year 1827, leaving a husband, but no heir so far as is known.

Reeder, from the decease of his wife—now more than forty years—was in quiet possession of the farm until his death, which occurred within the last year. The property has been sold for taxes a number of times. In 1847 the land was sold for taxes and bid into the State, and by the State sold and deeded as State tax lands in 1859, to Edwin Reeder, the husband of Maria Yorke Harvey Reeder.

So far as appears from the files, or records, the attention of the Board of Escheats was first called to the Reeder farm by the Hon. Alfred Russell, who, under date of November 26th, 1866, writes to the Hon. Emil Anneke, Auditor General; Hon. John Owen, State Treasurer; and the Hon. James B. Porter, Secretary of State, composing the then Board of Escheats, that a client of his "wishes to purchase your rights, as trustees, to some lands supposed to have escheated to the State;" that "it is far from certain that the statute of limitations does not bar us, but he is willing to give $1,000 for the rights of the trustees, such as they are." He continues, "much inquiry must be made in England, without any clue at present known, and the result of the inquiries is entirely uncertain, so that you will perceive that it is not a case in which the State is likely even to realize anything except by means of a speculative offer of this kind."

On the 24th of December, 1866, Mr. Russell again writes to the Auditor General, and says he has heard from one of the members of the board, favorably, and sends a deed in the form approved by the Attorney General; and says, further, that that officer had examined the facts of the case, and says he shall advise the board to make the conveyance. Mr. Russell's letter of December 24th was received by the board but a few days prior to the expiration of their term of office.

The first record under the present Board of Escheats was on the 6th of February, 1867, when it is recorded that a communication and accompanying documents were received from the Hon. Alfred Russell, relative to the Reeder farm, now in possession of Edwin Reeder. The papers were referred to Attorney General Stoughton for his opinion.

The next record is on the 28th of August, 1867, when it was ordered that it be referred to the Attorney General, directing him to take steps for placing the State in immediate possession of the premises.

The next record is under date of November 28th, 1867, when a communication was received from Walter Crane, in which he says he "knows of a piece of land that, in his opinion, has escheated to the State; he would be willing to buy the interest of the State and pay several thousand dollars; pay one quarter down, and give a mortgage on real estate for the balance." This proposition was referred to the Secretary of State for investigation.

On the 17th of March, 1868, John J. Bagley and Moses W. Field made a verbal proposition to the members of the Board, to purchase whatever interest the State might possess in the Reeder farm, offering the sum of $1,500. These parties stated that their sole object in making the proposition was for the purpose of offering the farm to the city of Detroit, at the same price, for a public park; that they would endeavor to interest other citizens of the city in the project, hoping thereby to accomplish the object so greatly to be desired. The members of the Board stated to those gentlemen, that the Board would meet at Lansing on the 1st day of April, when they would be ready to receive and decide upon any propositions before them.

On the day appointed (April 1) the Board met at Lansing. The only propositions before it were those of Alfred Russell, of $1,000; the verbal offer of Messrs. Bagley and Field, of $1,500; and that of Walter Crane, of $4,000, $1,000 cash, and $3,000 payable at a future time, with interest, to be secured by satisfactory mortgage on real estate. The Board had also before

it the statement of Attorney General Stoughton, that the case was surrounded with difficulties, and was by no means a clear one. After full consultation, Mr. Crane's offer was accepted; he paid the $1,000, and subsequently gave satisfactory mortgage security, to secure the payment of the remaining $3,000 on or before the 1st of April, 1871.

On the 7th of April, six days after the Board had accepted the proposition of Mr. Crane, and had received his first payment, Auditor General Humphrey received a letter from Moses W. Field, dated Detroit, April 2, postmarked April 6th, enclosing a letter from J. J. Bagley, Moses W. Field and H. P. Baldwin, making an offer of $1,500 for the Reeder farm, for which amount a check was enclosed, with the proviso, that in case the city of Detroit, after the title should be perfected, should refuse to accept the lands for a public park, and the property should inure to the benefit of the individual purchasers, they would pay to the State the further and additional sum of $3,500. The letter stated the object of the purchase in the following words:

"Their sole aim in this purchase is to devote the lands thus acquired for the establishment and maintenance of a public park, to minister, for all time to come, to the pleasure and enjoyment of the citizens of Detroit and Michigan."

Mr. Field's letter, and the accompanying papers, were transmitted by the Auditor General to the Secretary of State, that he, as Secretary of the Board, might make the proper reply, which he did by letter under date of April 10th.

Although the Board of Escheats, in April, 1868, deeded by quit claim to Mr. Crane, whatever interest the State possessed in the Reeder farm, he has not yet obtained possession. Suit for that purpose was commenced in the Circuit Court for the county of Wayne; the case was heard and judgment given against Mr. Crane; the case was appealed to the Supreme Court, who have ordered a new trial it the Circuit Court. A new trial may or may not reverse the former judgment of the court.

The Board of Escheats consider the case a very doubtful one, and were so advised by the legal officer of the State.

I have placed before your Honorable body all the information I possess, and all that can be gathered from the files and records of the Board of Escheats, concerning the disposal of whatever interest the State may have had in the "Reeder farm.' I believe the information herein furnished to be a full history of the case, and I should fail to discharge what I conceive to be a clear duty, should I neglect to say that after a full examination of the subject, I am convinced that the Board of Escheats, consisting of the Auditor General, the State Treasurer, and the Secretary of State, acted in the whole transaction with a single eye to what they believe to be for the best interests of the State.

HENRY P. BALDWIN.

The message was laid on the table.

COMMUNICATION FROM THE STATE TREASURER.

By unanimous consent, the Speaker announced the following:

STATE TREASURER'S OFFICE,
Lansing, Michigan, August 3, 1870.

To the Speaker of the House of Representatives:

SIR—In compliance with a resolution of the House, adopted August 1, "that the State Treasurer be requested to communicate to the House a statement of the amount of bonds received from each municipality in this State in aid of the construction of railroads, the amount of bonds delivered, and the railroads receiving them, and the date of their delivery, under the provisions of Act No. 45, of the Session Laws of 1869," I herewith transmit the following report:

All of which is respectfully submitted.

E. O. GROSVENOR,
State Treasurer.

MICHIGAN AIR LINE RAILROAD CO.

Date of Deposit.	Township.	County.	Amount.
1869.			
May 21	Lockport	St. Joseph	$40,000 00
June 5	Concord	Jackson	15,000 00
" 15	Homer	Calhoun	10,000 00
" 15	Tekonsha	Calhoun	15,000 00
" 15	Union	Branch	25,000 00
" 26	Washington	Macomb	25,000 00
" 26	Bruce	Macomb	25,000 00
July 5	Nottawa	St. Joseph	25,000 00
" 14	Colon	St. Joseph	25,000 00
" 23	Jackson City	Jackson	46,500 00
" 23	Putnam	Livingston	20,000 00
" 23	Unadilla	"	20,000 00
" 23	Hamburg	"	18,000 00
" 23	Clarenden	Calhoun	10,000 00
" 29	Stockbridge	Ingham	17,500 00
Aug. 20	Niles City	Berrien	50,000 00
Oct. 4	Penn	Cass	15,000 00
" 11	Calvin	"	20,000 00
Aug. 2	Constantine	St. Joseph	50,000 00
" 11	Niles	Berrien	20,000 00
Nov. 30	Waterloo	Jackson	23,000 00
Dec. 3	Linden	Washtenaw	15,000 00
" 3	Newberg	Cass	12,000 00
1870.			
March 19	Henrietta	Jackson	10,000 00
			$552,000 00

HOWELL AND LANSING RAILROAD CO.

1869.				
July	2	Howell	Livingston	$18,900
"	3	Handy	"	9,500 00
"	3	Williamstown	Ingham	15,500 00
"	9	LeRoy	"	14,000 00
				$57,900 00

DETROIT, HILLSDALE AND INDIANA RAILROAD CO.

July	8	Cambridge	Lenawee	$22,000 00
Aug.	5	Brooklyn	Jackson	20,000 00
"	17	Saline	Washtenaw	18,000 00
Sept.	1	Adams	Hillsdale	16,000 00
"	18	Ypsilanti	Washtenaw	50,000 00
1870.				
Jan.	10	Hillsdale	Hillsdale	60,000 00
"	27	Somerset	"	20,000 00
Feb.	10	Manchester	Washtenaw	50,000 00
				$266,000 00

LIBRARY OF THE UNIVERSITY OF MICHIGAN

ALLEGAN AND HOLLAND RAILROAD CO.

DATE OF DEPOSIT.	TOWNSHIP.	COUNTY.	AMOUNT.
1869.			
July 23	Holland city	Ottawa	$16,000 00
" 23	Holland town	"	8,000 00
" 23	Heath	Allegan	7,000 00
			$31,000 00

PORT HURON AND LAKE MICHIGAN RAILROAD CO.

Oct. 6	Port Huron	St. Clair	$42,000 00
1870.				
April 27	Perry	Shiawassee	13,000 00
			$55,000 00

KALAMAZOO AND SOUTH HAVEN RAILROAD CO.

1869.				
July 12	Kalamazoo	Kalamazoo	$26,000 00
" 14	Cusco	Allegan	5,000 00
" 14	South Haven	Van Buren	17,800 00
" 14	Columbia	"	12,800 00
" 14	Geneva	"	9,100 00
" 16	Bloomingdale	"	16,700 00
" 20	Pine Grove	"	12,400 00
" 28	Alamo	Kalamazoo	10,000 00
Oct. 21	Arlington	Van Buren	15,000 00
1870.				
Jan. 27	Bangor	"	15,000 00
March 12	Lee	Allegan	10,000 00
" 12	South Haven	Van Buren	35,000 00
" 12	Geneva	"	10,000 00
" 12	Bloomingdale	"	10,000 00
" 25	Columbia	"	20,000 00
			$224,800 00

FORT WAYNE, JACKSON AND SAGINAW RAILROAD CO.

1869.				
July 30	Jackson City	Jackson	$23,500 00
Aug. 3	Fayette	Hillsdale	10,000 00
" 3	Reading	"	15,000 00
			$48,500 00

IONIA AND LANSING RAILROAD CO.

1869.				
Oct. 26	Eureka	Montcalm	$20,000 00
Dec. 11	Montcalm	"	5,000 00
			$25,000 00

CHICAGO AND MICHIGAN LAKE SHORE RAILROAD CO.

Date of Deposit.	Township.	County.	Amount.
1869.			
July 19	New Buffalo	Berrien	$13,000 00
" 19	Lake	"	13,500 00
" 19	St. Joseph	"	46,000 00
" 30	Lincoln	"	13,500 00
Aug. 6	Three Oaks	"	16,000 00
Nov. 25	Hagar	"	6,840 00
" 27	Deerfield	Van Buren	6,960 00
1870.			
Feb. 9	Ganges	Allegan	15,000 00
" 18	Chickaming	Berrien	11,500 00
" 23	Saugatuck	Allegan	48,000 00
March 19	Watervleit	Berrien	13,800 00
" 24	Bangor	Van Buren	30,000 00
" 25	Hartford	"	36,000 00
May 17	Deerfield	"	22,000 00
" 28	South Haven	"	40,000 00
			$332,100 00

ELKHART AND LAKE MICHIGAN RAILROAD CO.

1869.			
Aug. 11	Niles (town)	Berrien	$20,000 00
" 20	Niles (city)	"	24,000 00
Sept. 24	Oronoko	"	40,000 00
Dec. 28	Benton	"	42,000 00
			$126,000 00

PORT HURON AND OWOSSO RAILROAD CO.

Dec. 8	Flushing	Genesee	$28,000 00

LANSING, ST. JOHNS AND MACKINAC RAILROAD CO.

Aug. 20	Bingham	Clinton	$40,000 00
" 25	Coe	Isabella	9,579 00
Sept. 8	Bethany	Gratiot	8,000 00
" 20	Union	Isabella	14,724 00
" 20	Chippewa	"	5,613 90
" 28	DeWitt	Clinton	30,000 00
Nov. 6	Olive	"	7,380 00
" 16	Greenbush	"	11,678 00
" 24	Arcada	Gratiot	13,000 00
" 27	Pine River	"	21,829 00
Dec. 8	Newark	"	12,000 00
" 8	Emerson	"	10,000 00
" 8	North Star	"	2,998 40
" 23	Washington	"	8,000 00
1870.			
March 23	Coe	Isabella	6,000 00
April 18	Union	"	6,500 00
			$214,302 30

PAW PAW VALLEY RAILROAD CO.

Date of Deposit.	Township.	County.	Amount.
1870.			
March 7	Lawrence	Van Buren	$50,000 00
" 22	Keeler	"	45,000 00
" 23	Bainbridge	"	15,000 00
April 4	Antwerp	"	30,000 00
" 22	Porter	"	15,000 00
			$155,000 00

JONESVILLE, MARSHALL AND GRAND RIVER RAILROAD CO.

1869.			
Sept. 21	Marshall	Calhoun	$69,700 00
Oct. 1	Lyons	Ionia	40,000 00
Dec. 14	Home	Montcalm	4,018 50
" 14	Day	"	7,800 00
" 14	Sidney	"	8,800 00
" 14	Douglassa	"	6,400 00
" 14	Evergreen	"	5,900 00
" 14	Bushnell	"	11,200 00
" 21	Marshall	Calhoun	17,000 00
1870.			
Jan. 8	Eckford	"	15,000 00
" 5	Portland	Ionia	15,800 00
" 8	Lee	Calhoun	5,500 00
Feb. 5	Sebewa	Ionia	10,000 00
" 21	Ronald	"	10,985 00
March 24	Walton	Eaton	20,000 00
April 6	Kalamo	"	25,000 00
			$281,603 50

MICHIGAN LAKE SHORE RAILROAD CO.

1869.			
Dec. 30	Grand Haven	Ottawa	$4,000 00
" 30	Olive	"	8,000 00
1870.			
March 19	Muskegon	Muskegon	50,000 00
May 24	Oceana	"	30,000 00
			$92,000 00

OWOSSO AND BIG RAPIDS RAILROAD CO.

1869.			
Dec. 16	Duplain	Clinton	$10,000 00
" 29	Owosso	Shiawassee	10,000 00
" 29	Elba	Gratiot	7,000 00
1870.			
Jan. 14	Sumner	"	15,000 00
" 27	Owosso City	Shiawassee	6,000 00
Feb. 9	Fairfield	"	6,500 00
" 11	Big Rapids City	Mecosta	45,000 0
" 11	Arcada	Gratiot	13,875 00
March 26	Ferris	Montcalm	10,500 00
			$123,875 00

TOLEDO, ANN ARBOR AND NORTHERN RAILROAD CO.

Date of Deposit.	Township.	County.	Amount.
1870.			
March 16	Milan	Monroe	$12,000 00
" 16	Burns	Shiawassee	20,000 00
" 21	Cohoctah	Livingston	16,200 00
" 22	Bennington	Shiawassee	10,000 00
" 24	Ann Arbor	Washtenaw	15,000 00
April 2	Lodi	"	20,000 00
" 2	Saline	"	20,000 00
" 13	Pittsfield	"	20,000 00
" 16	Ann Arbor City	"	100,000 00
" 16	Northfield	"	15,000 00
" 16	Dundee	Monroe	25,000 00
			$273,200 00

EAST SAGINAW AND ANN ARBOR RAILROAD CO.

Jan. 22	Shiawassee	Shiawassee	$17,000 00
Feb. 9	Corunna City	"	14,000 00
" 22	Spalding	Saginaw	19,500 00
March 15	Caledonia	Shiawassee	12,000 00
			$62,500 00

WESTPHALIA, HUBBARDSTON AND NORTHERN RAILROAD CO.

Feb. 28	Watertown	Clinton	$19,500 00
March 14	North Plains	Ionia	25,000 00
" 17	Westphalia	Clinton	18,000 00
April 9	Lebanon	"	10,000 00
			$72,500 00

GRAND RAPIDS AND LAKE SHORE RAILROAD CO.

March 25	Norton	Muskegon	$6,000 00
" 28	Lovell	"	5,000 00
" 30	Tallmadge	Ottawa	10,000 00
June 4	Hart	Oceana	21,500 00
" 4	Shelby	"	7,195 00
			$49,695 00

JACKSON, LANSING AND SAGINAW RAILROAD CO.

March 25	Arenac	Bay	$20,000 00
April 11	Bay City	"	100,000 00
" 13	Kawkawlin	"	10,000 00
May 14	Bangor	"	32,000 00
			$172,400 00

TOLEDO, YPSILANTI AND SAGINAW AIR LINE RAILROAD CO.

Date of Deposit.	Township.	County.	Amount.
1870.			
April 22	Ypsilanti City	Washtenaw	$55,000 00
May 7	Lyon	Oakland	15,000 00
" 9	Augusta	Washtenaw	20,000 00
" 12	Superior	"	30,000 00
" 13	Holly	Oakland	13,000 00
" 13	Highland	"	10,000 00
" 16	Ypsilanti	Washtenaw	50,000 00
" 16	Rose	Oakland	10,000 00
			$203,000 00

IONIA AND STANTON RAILROAD CO.

Feb. 7	Ionia	Ionia	$40,000 00

DETROIT AND HOWELL RAILROAD CO.

March 9	Detroit City	Wayne	$300,000 00

MICHIGAN AIR LINE EXTENSION RAILROAD CO.

April 20	St. Clair City	St. Clair	$28,800 00

FRUITPORT AND LAKE SHORE RAILROAD CO.

May 10	Spring Lake	Ottawa	$18,800 00

ROMEO AND ALMONT RAILROAD CO.

May 23	Almont	Lapeer	$45,000 00

SAGINAW AND ST. CLAIR RIVER RAILROAD CO.

July 25	East Saginaw City	Saginaw	$150,000 00

PENINSULAR RAILWAY CO.

Nov. 4	Battle Creek	Calhoun	$50,000 00

The bonds comprised in the following list have been delivered to the State Treasurer but not recorded, and no receipt has been given therefor, for the reason that no time is specified therein when they shall become due—their maturity depending upon the time of their delivery by the State Treasurer to the railroad company:

PENINSULAR RAILWAY CO.

DATE.	TOWNSHIP.	COUNTY.	AMOUNT.
1869.			
Sept. 1	Penn	Cass	$15,000 00
Oct. 18	Marcellus	"	15,000 00
" 18	Climax	Kalamazoo	15,000 00
Dec. 18	Schoolcraft	"	20,000 00
1870.			
Jan. 25	LaGrange	Cass	15,000 00
			$80,000 00

MICHIGAN AIR LINE RAILROAD CO.

March 1	LaGrange	Cass	$15,000 00

RECAPITULATION.

NAME OF COMPANY.	AMOUNT.
Michigan Air Line Railroad Company	$552,000 00
Howell and Lansing " "	57,200 00
Detroit, Hillsdale and Indiana Railroad Company	266,000 00
Allegan and Holland " "	31,000 00
Port Huron and Lake Michigan " "	55,000 00
Kalamazoo and South Haven " "	224,300 00
Fort Wayne, Jackson and Sag. " "	48,500 00
Ionia and Lansing " "	25,000 00
Chicago and Michigan Lake Shore " "	332,100 00
Elkhart and Lake Michigan " "	126,000 00
Port Huron and Owosso " "	28,000 00
Lansing, St. Johns and Mackinac " "	214,302 80
Paw Paw Valley " "	155,000 00
Jonesville, Marshall and Grand River Railroad Company	281,603 50
Michigan Lake Shore " "	92,000 00
Owosso and Big Rapids " "	123,875 00
Toledo, Ann Arbor and Northern " "	273,200 00
East Saginaw and Ann Arbor " "	62,500 00
Westphalia, Hubbardston and Northern " "	72,500 00
Grand Rapids and Lake Shore " "	49,695 00
Jackson, Lansing and Saginaw " "	172,400 00
Toledo, Ypsilanti and Saginaw Air Line " "	203,000 00
Ionia and Stanton " "	40,000 00
Detroit and Howell " "	300,000 00
Michigan Air Line Extension " "	28,800 00
Fruitport and Lake Shore " "	13,300 00
Romeo and Almont Railroad Company	45,000 00
Saginaw and St. Clair River Railroad Company	150,000 00
Peninsular Railway Company	50,000 00
	$4,072,275 80

TABLE B.

Showing the Municipal Bonds which have been Delivered to Railroad Companies as provided in Section 6, Act 45, Laws of 1869:

MICHIGAN AIR LINE RAILROAD CO.

Date of Delivery.	Township.	County.	Amount.
1869.			
Dec. 22	Bruce	Macomb	$25,000 00

DETROIT, HILLSDALE AND INDIANA RAILROAD CO.

1870.			
June 21	Ypsilanti City	Washtenaw	50,000 00

KALAMAZOO AND SOUTH HAVEN RAILROAD CO.

Nov. 12	Kalamazoo	Kalamazoo	26,000 00
Jan. 4	Alamo	"	10,000 00
May 20	Pine Grove	Van Buren	12,400 00

CHICAGO AND MICHIGAN LAKE SHORE RAILROAD CO.

Feb. 4	New Buffalo	Berrien	13,000 00
" 4	Lake	"	13,500 00
1869.			
Dec. 3	St. Joseph	"	46,000 00
" 28	Lincoln	"	13,500 00
1870.			
Feb. 18	Chickaming	"	11,500 00

FORT WAYNE, JACKSON AND SAGINAW RAILROAD CO.

1869.			
Nov. 20	Jackson City	Jackson	23,500 00
" 20	Fayette	Hillsdale	10,000 00
" 20	Reading	"	15,000 00

PORT HURON AND LAKE MICHIGAN RAILROAD CO.

Oct. 6	Port Huron	St. Clair	42,000 00

PENINSULAR RAILWAY CO.

Nov. 4	Battle Creek	Calhoun	50,000 00
Total bonds delivered			$361,400 00

Mr. Ingersoll moved that there be printed for the use of the House, 500 extra copies of to-day's journal, containing the Governor's message.

Mr. Horton moved to amend by having printed 500 copies of the message for the use of the House in pamphlet form.

On motion of Mr. Plimpton,

The motion was laid on the table.

On motion of Mr. Plimpton,

The House took a recess until 2½ o'clock this afternoon.

AFTERNOON SESSION.

2½ o'clock.

The House met and was called to order by the Speaker.

Roll called: quorum present.

By unanimous consent the committee on judiciary and internal improvements, jointly, submitted the following report:

The committee on the judiciary, and the committee on internal improvements, to which was recommitted

House joint resolution No. 1, entitled

Joint resolution proposing an amendment to the constitution of the State of Michigan, for the purpose of making valid the aid heretofore voted to aid in the construction of railroad,

Respectfully report that they have had the same under consideration, and have directed us to report the same back to the House without amendment,

Recommending that the joint resolution do pass, and ask to be discharged from the further consideration of the subject.

E. F. MEAD,
Chairman Com. on Judiciary.
R. B. SMITH,
Chairman Com. on Int. Imp.

Report accepted and committee discharged.

The joint resolution, which reads as follows:

JOINT RESOLUTION proposing an amendment to the Constitution of the State of Michigan for the purpose of making valid the aid heretofore voted to aid in the construction of railroads.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to the Con-

stitution of the State be and the same is hereby proposed, the same to stand as an additional section of article eighteen, to be known as section sixteen:

SECTION 16. All aid voted by any county, city, township, or village, previous to the twenty-seventh day of May, A. D. 1870, to aid any railroad company in the construction of its road, in accordance with the provisions of any act of the Legislature of this State, shall be and is hereby made valid, and such acts, and the acts curative of action thereunder, shall be deemed so far valid as shall be necessary to support, enforce, and collect the aid voted in accordance therewith prior to the said twenty-seventh day of May, 1870: *Provided*, That no bonds or other evidences of indebtedness shall hereafter be delivered to any such railroad company, unless such company shall, before the 27th day of May, 1873, comply with all the conditions upon which such bonds or other evidences of indebtedness were voted: *And provided further*, That no such bonds or other evidences of indebtedness shall be delivered to any company which shall have received, since the 27th day of May, 1870, or shall hereafter receive, any money or other consideration from any such county, city, township, or village, or inhabitants thereof, in lieu of such aid voted, unless such company shall have agreed to replace such money or other consideration with such aid when delivered to it.

The aforesaid amendment shall be and is hereby submitted to the people of this State at the next general election to be holden on the Tuesday succeeding the first Monday in November, 1870, as provided in section one, article twenty of the Constitution; and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties of this State in the same manner that he is now required by law to do in the case of an election of Governor and Lieutenant Governor; and the inspectors of election in the several townships and cities of this State shall prepare a suitable box for the reception of ballots cast for and against such amend-

ment. Each person voting for said amendment shall have written or printed on his ballot the words: "Amendment making valid aid heretofore voted to railroads—Yes;" and each person voting against it, the words: "Amendment making valid aid heretofore voted to railroads—No." The ballots in all respects shall be canvassed and returns be made as in elections of Governor and Lieutenant Governor,

Having been read a third time, and the question being upon its passage, pending the taking of the vote thereon,

Mr. Shier moved to amend by striking out in line 1, of proposed section 16, the words "aid voted," and insert in lieu thereof the words "bonds issued;"

Which motion did not prevail.

Mr. Miles moved to amend by adding to the joint resolution the following:

"*And provided further*, That no tax shall be levied or assessed upon the property of any such municipality for the payment of any such bonds or other evidence of indebtedness until the same shall have been ordered or consented to by a majority of the electors of such municipality, at an election to be held therefor under the provisions of law."

Mr. Miles demanded the yeas and nays on the adoption of the amendment.

The demand was seconded, and the amendment was not adopted, by yeas and nays, as follows:

YEAS.

Mr. Ashley,	Mr. Horton,	Mr. Seward,
Bennett,	Hutchinson,	Sheldon,
Bostwick,	F. G. Kendrick,	Stannard,
R. V. Briggs,	Kingsley,	Stewart,
O. Clark,	Klein,	Wendell,
Cogshall,	Mason,	White,
Crane,	Miles,	Wilcox,
Davis,	Millington,	J. A. Williams,
Doty,	Murray,	W. D. Williams,
Dusseau,	Osborn,	Woodard,
Harris,	Putnam,	Speaker,
Holt,		34

NAYS.

Mr. Armstrong,	Mr. Green,	Mr. Norton,
Avery,	Hartson,	Owen,
Barnaby,	Hubbard,	Plimpton,
Baxter,	Hunt,	Romeyn,
Beall,	Hurlbut,	Sanford,
G. G. Briggs,	Huston,	Shaw,
Brownell,	Jewell,	Sickels,
Cameron,	L. Kendrick,	Slayton,
B. Clark,	Lane,	Smith,
Curry,	Lee,	Snell,
Eaton,	Lovell,	Stockbridge,
Eck,	McCowen,	Vowles,
Elliott,	McKernan,	Wagner,
Fenner,	Mead,	Walker,
Fuller,	Miller,	Walton,
Gay,	Mitchell,	Ward,
Goodrich,	Newman,	Westover,
Grant,		52

Mr. Cogshall moved to amend the joint resolution by striking out in line 8, the words "before the 27th day of May, 1873;"

Which motion did not prevail.

Mr. Vowles moved to amend the joint resolution by striking out in line 13, the words "agree to replace," and inserting in lieu thereof the word "replaced;"

Which motion did not prevail.

The joint resolution was then not passed, two-thirds of all the members elect not voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Avery,	Mr. Hartson,	Mr. Owen,
Barnaby,	Holt,	Plimpton,
Baxter,	Hubbard,	Sanford,
Beall,	Hunt,	Shaw,
G. G. Briggs,	Hurlbut,	Sickels,
Cameron,	Huston,	Smith,
B. Clark,	Jewell,	Snell,
Crane,	L. Kendrick,	Stewart,
Curry,	Lane,	Stockbridge,
Eaton,	Lee,	Vowles,
Eck,	Lovell,	Wagner,
Elliott,	McKernan,	Walker,

Fenner,	Mead,	Walton,	
Gay,	Miller,	Ward,	
Goodrich,	Mitchell,	Westover,	
Grant,	Newman,	Speaker,	48

NAYS.

Mr. Armstrong,	Mr. Harris,	Mr. Osborn,	
Ashley,	Horton,	Putnam,	
Bennett,	Hutchinson,	Romeyn,	
Bostwick,	F. G. Kendrick,	Seward,	
R. V. Briggs,	Kingsley,	Sheldon,	
O. Clark,	Klein,	Shier,	
Cogshall,	Mason,	Slayton,	
Davis,	McCowen,	Stannard,	
Doty,	Miles,	Wendell,	
Dusseau,	Millington,	J. A. Williams,	
Fuller,	Murray,	W. D. Williams,	
Green,	Norton,	Woodard,	36

Mr. Fuller moved to reconsider the vote by which the House refused to pass the joint resolution.

Mr. Stewart moved to lay the motion to reconsider on the table;

Which motion did not prevail.

The motion to reconsider then prevailed.

On motion of Mr. Mason,

The joint resolution was laid on the table.

MESSAGES FROM THE SENATE.

By unanimous consent, the Speaker announced the following:

SENATE CHAMBER,
Lansing, August 3, 1870.

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit the following concurrent resolution:

Resolved, By the Senate, (the House concurring), That three thousand copies of the law relating to social statistics be printed for the use of the special marshal appointed by the Government to collect the same;

Which has passed the Senate, and in which the concurrence of the House is respectfully asked.

Very respectfully,

HENRY S. SLEEPER,

Secretary of the Senate.

On motion of Mr. Plimpton,

The House concurred in the adoption of the resolution.

The Speaker also announced the following:

SENATE CHAMBER,
Lansing, August 3, 1870.

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit the following bill:

Senate bill No. 1, entitled

A bill to authorize the introduction of water into, and the construction or purchase of hydraulic works in the cities and villages in the State of Michigan;

Which has passed the Senate by a majority vote of all the Senators elect, and by a vote of two-thirds of all the Senators elect, been ordered to take immediate effect, and in which the concurrence of the House is respectfully asked.

I also transmit herewith the special message of the Governor, submitting to the consideration of the Legislature the subject matter of the bill.

Very respectfully,

HENRY S. SLEEPER,

Secretary of the Senate.

The bill was read a first and second time by its title, and the bill and message were referred to the committee on judiciary.

On motion of Mr. G. G. Briggs,

The House adjourned until to-morrow morning at 9 o'clock.

Lansing, Thursday, August 4, 1870.

The House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Fassett.

Roll called: quorum present.

Absent at roll call: Messrs. Ingersoll, Purcell, Slayton, Ward, H. G. Williams and Yawkey.

Mr. Cogshall asked and obtained leave of absence for Mr. Ingersoll for the day.

Mr. Fuller asked and obtained leave of absence for Mr. Slayton for the day, on account of sickness.

Mr. Putnam asked and obtained leave of absence for Mr. Ward for the forenoon.

PRESENTATION OF PETITIONS.

By Mr. B. Clark: preamble and resolutions of the corporation of the village of Albion.

On motion of Mr. B. Clark,

The preamble and resolutions were referred to the committees on judiciary and internal improvements, jointly, and were ordered printed in the journal.

The following are the preamble and resolutions:

Whereas, The electors of the townships of Albion and Sheridan, in the county of Calhoun, have respectively voted aid towards building the Northern Central Michigan Railroad, to the amount of ten per cent. each on their assessed valuation, five per cent. under a special law and five per cent. under the general law;

And whereas, These laws have been declared unconstitutional by the Supreme Court; therefore,

Resolved, By the common council of the village of Albion (equal portions of which are situated in each of these townships) that these bonds which have been voted in good faith should, by an amendment of the constitution, be rendered valid for the purposes for which they have been voted, and that the Legislature, now in session, be respectfully requested

to submit to the people for their adoption the proper amendment to secure the accomplishment of this most desirable object.

Dated August 2d, 1870.

A true copy of the minutes.

W. W DOUGLASS, *Recorder.*

By Mr. Riford: petition of H. C. Morton, J. P Thrasher, and 150 others, tax-payers of Berrien county, asking the Legislature to submit an amendment to the Constitution rendering valid aid voted to railroads.

On motion of Mr. Riford,

The petition was referred to the committees on judiciary and internal improvements, jointly, and was ordered printed in the journal.

The following is the petition:

To the Honorable the Legislature of the State of Michigan, in extra session assembled:

We the undersigned petitioners, residents of Benton township and vicinity, county of Berrien and State of Michigan, do most respectfully petition your Honorable body to enact a law whereby the several townships, villages and cities that have voted aid to any railroad company, and have by the authority, or supposed authority of such vote, issued their bonds and deposited the same with the State Treasurer in aid of any railroad company, may have authority for voting upon the question of legalizing such bonds in such manner as your Honorable body may prescribe; and believing, as we do, that all authority is inherent in and emanates from the people, and that the question of the payment of the bonds issued should be left with the people, we, your humble petitioners, will ever pray.

By Mr. Owen: petition of A. J. Chapman and 90 others, citizens of St. Clair county, asking that railroad aid heretofore voted may be legalized.

Referred to the committees on judiciary and internal improvements, jointly.

By Mr. Green: petition of E. S. Lacey, James Shepherd, and 186 others, citizens of Eaton county, asking for the validation of railroad aid bonds.

Referred to the committees on judiciary and internal improvements, jointly.

REPORTS OF STANDING COMMITTEES.

By the committee on the judiciary:

The committee on the judiciary, to whom was referred Senate bill No. 1, entitled

A bill to authorize the introduction of water into, and the construction or purchase of hydraulic works in the cities and villages in the State of Michigan,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, without amendment, recommending that the bill do pass, and ask to be discharged from further consideration of the subject.

ELISHA F. MEAD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Cameron,

The rules were suspended, and the bill was placed on its final passage.

The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Armstrong,	Mr. Grant,	Mr. Osborn,
Ashley,	Green,	Owen,
Avery,	Harris,	Plimpton,
Barnaby,	Hartson,	Putnam,
Baxter,	Holt,	Riford,
Beall,	Horton,	Romeyn,
Bennett,	Hubbard,	Seward,
Blake,	Hunt,	Shaw,
Bostwick,	Hurlbut,	Sheldon,
G. G. Briggs,	Huston,	Shier,
R. V. Briggs,	Hutchinson,	Sickels,
Brownwell,	Jewell,	Slayton,

Cameron,	L. Kendrick,	Smith,
B. Clark,	F. G. Kendrick,	Snell,
O. Clark,	Kingsley,	Stannard,
Cogshall,	Klein,	Stewart,
Crane,	Lane,	Stockbridge,
Crossman,	Lee,	Vowles,
Curry,	Lovell,	Wagner,
Davis,	Mandigo,	Walker,
Doty,	McCowen,	Walton,
Eaton,	McKernan,	Weier,
Eck,	Mead,	Wendell,
Elliot,	Miles,	Westover,
Fenner,	Miller,	White,
Fuller,	Millington,	J. A. Williams,
Gay,	Mitchell,	W. D. Williams,
Gifford,	Murray,	Speaker,
Goodrich,	Newman,	86

NAYS. 0

Title agreed to.

On motion of Mr. Armstrong,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

MOTIONS AND RESOLUTIONS.

Mr. G. G. Briggs moved to take from the table House joint resolution No. 2, entitled

Joint resolution proposing an amendment to the Constitution of the State of Michigan for the purpose of enabling the tax-paying electors of this State to vote aid in the construction of railroads;

Which motion prevailed.

Mr. G. G. Briggs then offered the following as a substitute for the joint resolution:

JOINT RESOLUTION proposing an amendment to the Constitution of the State of Michigan, for the purpose of enabling the tax-paying electors of this State to vote future aid in the construction of railroads.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to the Constitution of the State be and the same is hereby proposed, the

same to stand as an additional section of article eighteen, to be known as section sixteen:

SECTION 16. The Legislature may provide by law that cities, incorporated villages and townships, may aid by loan or donation in the construction of railroads: *Provided*, Two-thirds of the qualified electors voting thereon shall so determine: *And provided further*, That such aid, together with all previous unpaid indebtedness incurred in aid of railroads by any municipality, shall not exceed three per cent. of the assessed valuation at the time such aid is voted.

The aforesaid amendment shall be and is hereby submitted to the people of this State at the next general election to be holden on the Tuesday succeeding the first Monday in November, 1870, as provided in section one, article twenty of the Constitution; and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties of this State in the same manner that he is now by law required to do in the case of an election of Governor and Lieutenant Governor; and the inspectors of election in the several townships and cities of this State shall prepare a suitable box for the reception of ballots cast for and against such amendment. Each person voting for said amendment shall have written or printed on his ballot the words: "Amendment authorizing future aid to railroads—Yes;" and each person voting against it, the words: "Amendment authorizing future aid to railroads—No." The ballots shall in all respects be canvassed, and returns be made as in elections of Governor and Lieutenant Governor.

Mr. Huston moved to amend the substitute by striking out "three per cent." and inserting "five per cent." in lieu thereof.

Mr. Huston demanded the yeas and nays on his amendment.

The demand was seconded, and the amendment was not adopted, by yeas and nays, as follows:

YEAS.

Mr. Armstrong,	Mr. Grant,	Mr. Mitchell,
Avery,	Holt,	Murray,
Barnaby,	Hubbard,	Newman,
Beall,	Hunt,	Riford,
Blake,	Hurlbut,	Sickels,
Curry,	Huston,	Slayton,
Davis,	L. Kendrick,	Smith,
Doty,	Lee,	Stockbridge,
Eaton,	Mandigo,	Wagner,
Eck,	Mason,	Wendell,
Fenner,	McCowen,	Wilcox,
Fuller,	McKernan,	Woodard,
Gay,	Miles,	Speaker,
Goodrich,	Millington,	41

NAYS.

Mr. Ashley,	Mr. Horton,	Mr. Sanford,
Baxter,	Hutchinson,	Shaw,
Bennett,	Jewell,	Sheldon,
Bostwick,	F. G. Kendrick,	Shier,
R. V. Briggs,	Kingsley,	Snell,
Brownell,	Klein,	Stannard,
Cameron,	Lane,	Stewart,
B. Clark,	Lovell,	Vowles,
O. Clark,	Mead,	Walker,
Cogshall,	Miller,	Walton,
Crane,	Osborn,	Weier,
Dusseau,	Owen,	Westover,
Elliott,	Plimpton,	White,
Green,	Putnam,	J. A. Williams,
Harris,	Romeyn,	W. D. Williams,
Hartson,		46

The question recurring on the adoption of the substitute offered by Mr. G. G. Briggs,

Mr. Romeyn demanded the yeas and nays.

The demand was seconded, and the substitute was not adopted, two-thirds of all the members elect not voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Avery,	Mr. Green,	Mr. Newman,
Baxter,	Harris,	Norton,
Beall,	Hartson,	Osborn,
Blake,	Holt,	Owen,

G. G. Briggs,	Hubbard,	Riford,
Brownell,	Hunt,	Sanford,
Cameron,	Jewell,	Shaw,
B. Clark,	L. Kendrick,	Shier,
Crane,	F. G. Kendrick,	Smith,
Curry,	Lane,	Snell,
Doty,	Lee,	Stockbridge,
Eck,	Lovell,	Vowles,
Elliott,	Mandigo,	Wagner,
Fenner,	McCowen,	Walker,
Fuller,	McKernan,	Walton,
Gay,	Mead,	Westover,
Goodrich,	Miller,	Wilcox,
Grant,	Mitchell,	Speaker, 54

NAYS.

Mr. Armstrong,	Mr. Hurlbut,	Mr. Seward,
Ashley,	Huston,	Sheldon,
Barnaby,	Hutchinson,	Sickels,
Bennett,	Kingsley,	Slayton,
Bostwick,	Klein,	Stannard,
R. V. Briggs,	Mason,	Stewart,
O. Clark,	Miles,	Weier,
Cogshall,	Millington,	Wendell,
Davis,	Murray,	White,
Dusseau,	Plimpton,	J. A. Williams,
Eaton,	Putnam,	W. D. Williams,
Horton,	Romeyn,	Woodard, 36

The question then recurring on the passage of the joint resolution,

Mr. Sanford moved that it be recommitted to the committees on judiciary and internal improvements, with instructions to amend the same so that it shall provide for aid to the amount of three per cent. upon the assessed valuation, and report the same back to the House forthwith.

Mr. Lee moved that the joint resolution be referred to a special committee of seven, without instructions;

Mr. Sanford accepted the motion in lieu of his motion;

The motion of Mr. Lee was then agreed to.

Mr. Snell offered the following:

Whereas, It is the sense of this House, as expressed by a majority vote upon the question of indefinite postponement of the

consideration of the majority and minority reports of the committee on elections, that no further inquiry into the question right of certain members to their seats is desirable.

Resolved, That the committee on elections be discharged from the further consideration of the resolution of 28th ult., directing investigation into the matter by said committee;

Which was adopted.

Mr. Holt offered the following:

Resolved, That the committee of ways and means be instructed to report to this House the number of miles for which each of the members and officers thereof are entitled to draw mileage;

Which was adopted.

The Speaker announced as the special committee authorized to consider House joint resolution No. 2, relative to future aid to railroads, Messrs. Fuller, Green, Cameron, Plimpton, McKernan, Cogshall and Gay.

On motion of Mr. Brownell,

The House adjourned until this afternoon at 2½ o'clock.

—

AFTERNOON SESSION.

2½ o'clock P. M.

The House met and was called to order by the Speaker.

Roll called: quorum present.

The House resumed business under the order of

REPORTS OF SELECT COMMITTEES.

The following report was submitted:

The special committee to whom was referred House joint resolution No. 2, entitled

Joint resolution proposing an amendment to the Constitution of the State of Michigan for the purpose of enabling the tax-paying electors of this State to vote aid in the construction of railroads,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the

House, with the accompanying amendment, so that section 17, as amended, will read as follows:

SECTION 17. The Legislature may provide by law that cities, incorporated villages, and townships may aid by loan or donation in the construction of railroads, and may define the qualifications of electors entitled to vote at any election held in pursuance of the provisions of this section,

Recommending that the amendment be concurred in, and ask to be discharged from the further consideration of the subject.

C. C. FULLER, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Shier,

The House concurred in the amendments made to the joint resolution by the committee.

The question being upon the passage of the joint resolution, as amended,

Mr. Ingersoll moved that there be a call of the House;

Which motion prevailed.

PROCEEDINGS UNDER THE CALL.

The roll of the House was called by the Clerk, and the following members reported absent without leave:

Messrs. F. G. Kendrick, Owen, Purcell, H. G. Williams and Yawkey.

On motion of Mr. Ingersoll,

The Sergeant-at-Arms was dispatched after the absentees.

On motion of Mr. Crane,

All further proceedings under the call were dispensed with.

The question recurring upon the passage of the joint resolution, as amended by the committee,

The joint resolution was not passed, two-thirds of all the members elect not voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Avery,	Mr. Grant,	Mr. Newman,
Barnaby,	Green	Norton,
Beall,	Hartson,	Plimpton,
Blake,	Holt,	Riford,

G. G. Briggs,	Hubbard,	Sanford,
Brownell,	Hunt,	Shier,
Cameron,	Hurlbut,	Sickels,
B. Clark,	Huston,	Slayton,
Crossman,	Ingersoll,	Smith,
Curry,	Lane,	Snell,
Doty,	Lee,	Stockbridge,
Eaton,	Lovell,	Wagner,
Eck,	Mandigo,	Walker,
Elliott,	McCowen,	Ward,
Fenner,	McKernan,	Westover,
Fuller,	Mead,	Wilcox,
Gay,	Miller,	Speaker,
Goodrich,		52

NAYS.

Mr. Armstrong,	Mr. Hutchinson,	Mr. Seward,
Ashley,	Jewell,	Shaw,
Baxter,	L. Kendrick,	Sheldon,
Bennett,	F. G. Kendrick,	Stannard,
Bostwick,	Kingsley,	Stewart,
R. V. Briggs,	Klein,	Vowles,
O. Clark,	Mason,	Walton,
Cogshall,	Miles,	Weier,
Crane,	Millington,	Wendell,
Davis,	Murray,	White,
Dusseau,	Osborn,	J. A. Williams,
Gifford,	Putnam,	W. D. Williams,
Harris,	Romeyn,	Woodard,
Horton,		40

Mr. Mason moved to reconsider the vote by which the joint resolution was lost.

Mr. R. V. Briggs moved to lay the motion on the table;

Which motion did not prevail.

The motion to reconsider then prevailed.

Mr. Sanford moved to recommit the joint resolution to the special committee hitherto appointed on the subject, with instructions to so amend the same as to provide that towns, cities, and incorporated villages may aid in the construction of railroads to the amount of three per cent. of their assessed valuation, upon a two-thirds vote of the qualified electors voting thereon; and providing a three months' residence in his mu-

nicipality as a necessary qualification of an elector voting upon the question of raising said aid.

Mr. Huston demanded the yeas and nays.

The demand was seconded, and the motion to recommit with instructions prevailed, by yeas and nays, as follows:

YEAS.

Mr. Armstrong,	Mr. Gay,	Mr. Mead,	
Ashley,	Goodrich,	Miller,	
Avery,	Grant,	Newman,	
Barnaby,	Green,	Norton,	
Baxter,	Harston,	Osborn,	
Beall,	Holt,	Riford,	
Blake,	Hubbard,	Sanford,	
G. G. Briggs,	Hunt,	Shaw,	
Brownell,	Hurlbut,	Shier,	
Cameron,	Huston,	Sickels,	
B. Clark,	Ingersoll,	Slayton,	
Crane,	Jewell,	Smith,	
Crossman,	L. Kendrick,	Snell,	
Curry,	F. G. Kendrick,	Stockbridge,	
Davis,	Lane,	Vowles,	
Doty,	Lee,	Wagner,	
Eaton,	Lovell,	Walker,	
Eck,	Mandigo,	Walton,	
Elliott,	Mason,	Wendell,	
Fenner,	McCowen,	Westover,	
Fuller,	McKernan,	Speaker,	63

NAYS.

Mr. Bennett,	Mr. Kingsley,	Mr. Sheldon,	
Bostwick,	Klein,	Stewart,	
R. V. Briggs,	Miles,	Weier,	
O. Clark,	Millington,	White,	
Cogshall,	Murray,	Wilcox,	
Dusseau,	Plimpton,	J. A. Williams,	
Harris,	Putnam,	W. D. Williams,	
Horton,	Romeyn,	Woodard,	
Hutchinson,	Seward,		26

Mr. Plimpton asked to be excused from further service on the special committee, to whom the joint resolution was referred.

Mr. Plimpton was excused, as requested, and the Speaker appointed Mr. Riford to fill the vacany on the committee.

By unanimous consent, the committee on ways and means submitted the following report:

The committee on ways and means, to whom was referred a resolution of this House instructing said committee to report the number of miles for which the officers and members thereof are entitled to draw mileage, respectfully report that they have had the same under consideration, and leave me to report that the officers and members of this House are entitled to draw mileage for the number of miles respectively as set forth in the list hereto attached and made a part of this report, and ask to be discharged from the further consideration of the matter.

HENRY H. HOLT, *Chairman.*

Mr. Armstrong	160
Ashley	260
Avery	120
Barnaby	140
Baxter	140
Beall	248
Bennett	208
Blake	204
Bostwick	190
G. G. Briggs	142
R. V. Briggs	262
Brownell	206
Cameron	150
B. Clark	120
O. Clark	118
Cogshall	120
Crane	176
Crossman	44
Curry	176
Davis	190
Doty	26
Dusseau	260
Eaton	74

Mr. Eck	218
Elliott	122
Fenner	392
Fuller	252
Gay	176
Gifford	158
Goodrich	108
Grant	110
Green	56
Harris	230
Hartson	330
Holt	238
Horton	112
Hubbard	116
Hunt	20
Hurlbut	224
Huston	172
Hutchinson	106
Ingersoll	62
Jewell	200
L. Kendrick	360
F. G. Kendrick	266
Kingsley	150
Klein	230
Lane	130
Lee	90
Lovell	114
Mandigo	214
Mason	200
McCowen	200
McKernan	1,870
Mead	340
Miles	356
Miller	280
Millington	206
Mitchell	1,074

Mr. Murray	170
Newman	294
Norton	160
Osborn	200
Owen	340
Plimpton	254
Purcell	---
Putnam	220
Riford	324
Riopelle	230
Romeyn	230
Sanford	2
Seward	244
Shaw	180
Sheldon	180
Shier	166
Sickels	94
Slayton	104
Smith	44
Snell	238
Stannard	106
Stewart	211
Stockbridge	234
Vowles	168
Wagner	110
Walker	158
Walton	180
Ward	32
Weier	240
Wendell	926
Westover	160
White	188
Wilcox	182
H. G. Williams	---
J. A. Williams	180

W. D. Williams	1,330
Woodard	284
Yawkey	---
Speaker	178
N. B. Jones, Clerk	2
J. H. Stone, Asst. Clerk	356
E. A. Thompson, Enrolling Clerk	254
W. D. Burnham, Sergeant-at-Arms	2
Robert D. Hough, Asst. Sergeant-at-Arms	230

Mr. Plimpton moved that the House adjourn until to-morrow morning at 9 o'clock;

Which motion did not prevail.

Mr. Green moved that the House take a recess until 4½ o'clock;

Which motion prevailed.

—

4½ o'clock P. M.

The House met and was called to order by the Speaker.

Roll called: quorum present.

Mr B. Clark moved that there be a call of the House;

Which motion prevailed.

PROCEEDINGS UNDER THE CALL.

The roll of the House was called by the Clerk, and the following members reported absent without leave:

Messrs. Miles, Mitchell, Osborn, Purcell, White and Yawkey.

On motion of Mr. Brownell,

The Sergeant-at-Arms was dispatched after the absentees.

The Sergeant-at-Arms announced Mr. White at the bar of the House.

On motion of Mr. Holt,

Mr. White was admitted within the bar, rendered an excuse, and took his seat.

Mr. Plimpton moved that all further proceedings under the call be dispensed with;

Which motion did not prevail.

The Sergeant-at-Arms announced Mr. Miles at the bar of the House.

On motion of Mr. Brownell,

Mr. Miles was admitted within the bar, rendered an excuse, and took his seat.

Mr. Romeyn moved that all further proceedings under the call be dispensed with;

Which motion did not prevail.

Mr. Miles moved that Mr. Mitchell be excused for the remainder of the day;

Which motion did not prevail.

On motion on Mr. Snell,

All further proceedings under the call were dispensed with.

The following report was submitted:

The special committee to whom was referred House joint resolution No. 2, entitled

Joint resolution proposing an amendment to the Constitution of the State of Michigan, for the purpose of enabling the tax-paying electors of this State to vote aid in the construction of railroads,

With instructions, respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, amended as instructed by the House, so that Sec. 17 reads as follows:

"SEC. 17. The Legislature may provide by law that cities, incorporated villages, and townships may aid by loan or donation in the construction of railroads: *Provided,* Two-thirds of the qualified electors voting thereon shall so determine, none of whom shall be deemed qualified unless he shall have resided in his ward, village or township for three months previous to the date of such election: *And provided further,* That such aid, together with all previous unpaid indebtedness incurred in aid of railroads by such city, village or township, shall not exceed three per cent. of the assessed valuation of such municipalities."

And your committee ask to be discharged from the further consideration of the subject.

C. C. FULLER, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Crossman,

The House concurred in the amendments made to the joint resolution by the committee.

The question then being on the passage of the joint resolution, as amended,

It was not passed, two-thirds of all the members elect not voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Avery,	Mr. Grant,	Mr. Norton,
Barnaby,	Green,	Owen,
Baxter,	Hartson,	Riford,
Beall,	Holt,	Sanford,
Blake,	Hubbard,	Shaw,
G. G. Briggs,	Hunt,	Shier,
Brownell,	Hurlbut,	Sickels,
Cameron,	Huston,	Slayton,
B. Clark,	Ingersoll,	Smith,
Crane,	Jewell,	Snell,
Crossman,	L. Kendrick,	Stockbridge,
Curry,	Lane,	Vowles,
Doty,	Lee,	Wagner,
Eaton,	Lovell,	Walker,
Eck,	Mandigo,	Walton,
Elliott,	McCowen,	Ward,
Fenner,	McKernan,	Westover,
Fuller,	Mead,	Wilcox,
Gay,	Miller,	Speaker,
Goodrich,	Newman,	59

NAYS.

Mr. Armstrong,	Mr. Hutchinson,	Mr. Romeyn,
Ashley,	F. G. Kendrick,	Seward,
Bennett,	Kingsley,	Sheldon,
Bostwick,	Klein,	Stannard,
R. V. Briggs,	Mason,	Stewart,
O. Clark,	Miles,	Weier,
Cogshall,	Millington,	Wendell,
Davis,	Murray,	White,
Dusseau,	Osborn,	J. A. Williams,

Gifford,	Plimpton,	W. D. Williams,
Harris,	Putnam,	Woodard,
Horton,		34

On motion of Mr. Romeyn,

The House adjourned until to-morrow morning at 9 o'clock

Lansing, Friday, August 5, 1870.

The House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Allen.

Roll called: quorum present.

Absent without leave: Messrs. Hunt, Mitchell, H. G. Williams and Yawkey.

Mr. Fuller asked and obtained leave of absence for Mr. Mitchell for the day.

Mr. Green asked and obtained indefinite leave of absence for Mr. Hunt, on account of sickness.

Mr. G. G. Briggs asked leave of absence for himself until Tuesday morning;

Mr. Harris objected.

Mr. Westover asked leave of absence for himself until Tuesday morning;

Mr. W. D. Williams objected.

Mr. Barnaby moved that leave of absence be granted to Mr. Westover until Tuesday morning;

Which motion did not prevail.

Mr. Horton moved that leave of absence be granted to Mr. G. G. Briggs until Tuesday morning;

Which motion did not prevail.

MOTIONS AND RESOLUTIONS.

Mr. Mason moved to reconsider the vote by which the House refused to pass House joint resolution No. 2, entitled

Joint resolution proposing an amendment to the Constitution of the State of Michigan, for the purpose of enabling

the tax-paying electors of this State to vote aid in the construction of railroads;

Which motion prevailed.

On motion of Mr. Huston,

The joint resolution was laid on the table.

Mr. Avery moved to take from the table House joint resolution No. 1, entitled

Joint resolution proposing an amendment to the Constitution of the State of Michigan for the purpose of making valid the aid heretofore voted to aid in the construction of railroads;

Which motion prevailed.

The joint resolution having been read a third time, and the question being upon its passage,

Mr. Avery offered the following as a substitute therefor:

JOINT RESOLUTION proposing an amendment to the Constitution of the State of Michigan, for the purpose of making valid certain bonds issued to aid in the construction of railroads.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to the constitution of the State be and the same is hereby proposed, the same to stand as an additional section of article eighteen, to be known as section sixteen:

SECTION 16. All bonds or other evidences of indebtedness heretofore voted and issued by any county, city, township or village, to aid any railroad company in the construction of its road, in accordance with the provisions of any act or acts of the Legislature of this State, which were fully earned previous to the 27th day of May, 1870, are hereby declared legal and valid. *Provided,* A majority of the legal voters of such county, city, township or village shall revote such bonds or other evidences of indebtedness at any election held in pursuance of the act under which such indebtedness was contracted.

The aforesaid amendment shall be and is hereby submitted to the people of this State at the next general election to be holden on the Tuesday succeeding the first Monday in Novem-

ber, 1870, as provided in section one, article twenty, of the Constitution; and the Secretary of State is hereby required to give notice of the same to the Sheriffs of the several counties of this State in the same manner that he is now required by law to do in the case of an election of Governor and Lieutenant Governor; and the inspectors of election in the several townships and cities of this State shall prepare a suitable box for the reception of ballots cast for and against such amendment. Each person voting for said amendment shall have written or printed on his ballot the words: "Amendment making valid bonds fully earned—Yes;" and each person voting against it, the words: "Amendment making valid bonds fully earned—No." The ballots in all respects shall be canvassed, and returns be made as in elections of Governor and Lieutenant Governor.

Mr. Huston moved to amend the substitute by striking out in the proviso all after the word "pursuance," and inserting in lieu thereof the words "of the provisions of law;"

Which motion prevailed.

Mr. Westover moved to amend the substitute by striking out "27th day of May, 1870," and inserting the "1st day of November, 1870," in lieu thereof;

Which motion did not prevail.

Mr. Hurlbut moved to amend the substitute by adding to the proviso the following: "*And provided further*, The collection of any tax shall not be enforced against any individual unless he shall first have voted in favor of such tax;"

Which motion did not prevail.

Mr. Huston moved to amend the substitute by inserting in the proviso after the word "revote," the words "for the payment of;"

Which motion prevailed.

Mr. Owen moved to amend the substitute so that proposed section sixteen should read as follows:

"SECTION 16. The Legislature, at its session in the year 1871, shall provide by law to authorize all municipalities

House, with the accompanying amendment, so that section 17, as amended, will read as follows:

SECTION 17. The Legislature may provide by law that cities, incorporated villages, and townships may aid by loan or donation in the construction of railroads, and may define the qualifications of electors entitled to vote at any election held in pursuance of the provisions of this section,

Recommending that the amendment be concurred in, and ask to be discharged from the further consideration of the subject.

C. C. FULLER, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Shier,

The House concurred in the amendments made to the joint resolution by the committee.

The question being upon the passage of the joint resolution, as amended,

Mr. Ingersoll moved that there be a call of the House;

Which motion prevailed.

PROCEEDINGS UNDER THE CALL.

The roll of the House was called by the Clerk, and the following members reported absent without leave:

Messrs. F. G. Kendrick, Owen, Purcell, H. G. Williams and Yawkey.

On motion of Mr. Ingersoll,

The Sergeant-at-Arms was dispatched after the absentees.

On motion of Mr. Crane,

All further proceedings under the call were dispensed with.

The question recurring upon the passage of the joint resolution, as amended by the committee,

The joint resolution was not passed, two-thirds of all the members elect not voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Avery,	Mr. Grant,	Mr. Newman,
Barnaby,	Green	Norton,
Beall,	Hartson,	Plimpton,
Blake,	Holt,	Riford,

G. G. Briggs,	Hubbard,	Sanford,
Brownell,	Hunt,	Shier,
Cameron,	Hurlbut,	Sickels,
B. Clark,	Huston,	Slayton,
Crossman,	Ingersoll,	Smith,
Curry,	Lane,	Snell,
Doty,	Lee,	Stockbridge,
Eaton,	Lovell,	Wagner,
Eck,	Mandigo,	Walker,
Elliott,	McCowen,	Ward,
Fenner,	McKernan,	Westover,
Fuller,	Mead,	Wilcox,
Gay,	Miller,	Speaker,
Goodrich,		52

NAYS.

Mr. Armstrong,	Mr. Hutchinson,	Mr. Seward,
Ashley,	Jewell,	Shaw,
Baxter,	L. Kendrick,	Sheldon,
Bennett,	F. G. Kendrick,	Stannard,
Bostwick,	Kingsley,	Stewart,
R. V. Briggs,	Klein,	Vowles,
O. Clark,	Mason,	Walton,
Cogshall,	Miles,	Weier,
Crane,	Millington,	Wendell,
Davis,	Murray,	White,
Dusseau,	Osborn,	J. A. Williams,
Gifford,	Putnam,	W. D. Williams,
Harris,	Romeyn,	Woodard,
Horton,		40

Mr. Mason moved to reconsider the vote by which the joint resolution was lost.

Mr. R. V. Briggs moved to lay the motion on the table;

Which motion did not prevail.

The motion to reconsider then prevailed.

Mr. Sanford moved to recommit the joint resolution to the special committee hitherto appointed on the subject, with instructions to so amend the same as to provide that towns, cities, and incorporated villages may aid in the construction of railroads to the amount of three per cent. of their assessed valuation, upon a two-thirds vote of the qualified electors voting thereon; and providing a three months' residence in his mu-

nicipality as a necessary qualification of an elector voting upon the question of raising said aid.

Mr. Huston demanded the yeas and nays.

The demand was seconded, and the motion to recommit with instructions prevailed, by yeas and nays, as follows:

YEAS.

Mr. Armstrong,	Mr. Gay,	Mr. Mead,
Ashley,	Goodrich,	Miller,
Avery,	Grant,	Newman,
Barnaby,	Green,	Norton,
Baxter,	Harston,	Osborn,
Beall,	Holt,	Riford,
Blake,	Hubbard,	Sanford,
G. G. Briggs,	Hunt,	Shaw,
Brownell,	Hurlbut,	Shier,
Cameron,	Huston,	Sickels,
B. Clark,	Ingersoll,	Slayton,
Crane,	Jewell,	Smith,
Crossman,	L. Kendrick,	Snell,
Curry,	F. G. Kendrick,	Stockbridge,
Davis,	Lane,	Vowles,
Doty,	Lee,	Wagner,
Eaton,	Lovell,	Walker,
Eck,	Mandigo,	Walton,
Elliott,	Mason,	Wendell,
Fenner,	McCowen,	Westover,
Fuller,	McKernan,	Speaker, 63

NAYS.

Mr. Bennett,	Mr. Kingsley,	Mr. Sheldon,
Bostwick,	Klein,	Stewart,
R. V. Briggs,	Miles,	Weier,
O. Clark,	Millington,	White,
Cogshall,	Murray,	Wilcox,
Dusseau,	Plimpton,	J. A. Williams,
Harris,	Putnam,	W. D. Williams,
Horton,	Romeyn,	Woodard,
Hutchinson,	Seward,	26

Mr. Plimpton asked to be excused from further service on the special committee, to whom the joint resolution was referred.

Mr. Plimpton was excused, as requested, and the Speaker appointed Mr. Riford to fill the vacany on the committee.

By unanimous consent, the committee on ways and means submitted the following report:

The committee on ways and means, to whom was referred a resolution of this House instructing said committee to report the number of miles for which the officers and members thereof are entitled to draw mileage, respectfully report that they have had the same under consideration, and leave me to report that the officers and members of this House are entitled to draw mileage for the number of miles respectively as set forth in the list hereto attached and made a part of this report, and ask to be discharged from the further consideration of the matter.

HENRY H. HOLT, *Chairman.*

Mr. Armstrong	160
Ashley	260
Avery	120
Barnaby	140
Baxter	140
Beall	248
Bennett	208
Blake	204
Bostwick	190
G. G. Briggs	142
R. V. Briggs	262
Brownell	206
Cameron	150
B. Clark	120
O. Clark	118
Cogshall	120
Crane	176
Crossman	44
Curry	176
Davis	190
Doty	26
Dusseau	260
Eaton	74

On motion of Mr. G. G. Briggs,

Mr. Horton was admitted within the bar, rendered an excuse, and took his seat.

On motion of Mr. Norton,

All further proceedings under the call were dispensed with.

The joint resolution was then passed, two-thirds of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Armstrong,	Mr. Grant,	Mr. Norton,
Avery,	Green,	Osborn,
Barnaby,	Harris,	Owen,
Baxter,	Hartson,	Plimpton,
Beall,	Holt,	Riford,
Blake,	Horton,	Romeyn,
G. G. Briggs,	Hurlbut,	Sanford,
Brownell,	Huston,	Shaw,
Cameron,	Ingersoll,	Shier,
B. Clark,	Jewell,	Sickels,
Crane,	L. Kendrick,	Slayton,
Crossman,	F. G. Kendrick,	Smith,
Curry,	Lane,	Snell,
Davis,	Lee,	Stockbridge,
Doty,	Lovell,	Vowles,
Dusseau,	Mandigo,	Wagner,
Eaton,	Mason,	Walker,
Eck,	McCowen,	Walton,
Elliott,	McKernan,	Westover,
Fenner,	Mead,	Wilcox,
Fuller,	Miles,	Woodard,
Gay,	Miller,	Speaker,
Goodrich,	Newman,	

NAYS.

Mr. Ashley,	Mr. Kingsley,	Mr. Stannard,
Bennett,	Klein,	Stewart,
Bostwick,	Millington,	Weier,
R. V. Briggs,	Murray,	Wendell,
O. Clark,	Putnam,	White,
Cogshall,	Seward,	J. A. Williams,
Hubbard,	Sheldon,	W. D. Williams,
Hutchinson,		22

Mr. Curry asked leave of absence for himself until Tuesday morning.

Mr. Osborn objected.

Mr. Horton moved that leave of absence be granted to Mr. Curry until Tuesday morning;

Which motion did not prevail.

Mr. Fuller offered the following:

Resolved, That the same rate of mileage be paid to the messenger boys in attendance at this session as is received by the members of this House.

Mr. Walker moved to amend the resolution by including also the keeper of the cloak room;

Which motion prevailed.

The resolution was then adopted.

Mr. Stanard moved that when this House adjourn to-day, it adjourn until 7 o'clock Tuesday evening next;

Which motion did not prevail.

Mr. L. Kendrick offered the following:

Resolved, (the Senate concurring), That this Legislature do adjourn *sine die* on Wednesday, the 10th day of August, at 12 o'clock M.

Mr. Norton moved to suspend the rule requiring a concurrent resolution to lie on the table one day;

Which motion did not prevail.

The resolution was then laid on the table for one day under the rules.

Mr. Avery moved that the House adjourn until to-morrow morning at 9 o'clock;

Which motion did not prevail.

On motion of Mr. Riford,

The House took a recess until 4 o'clock.

—

4 o'clock P. M.

At four o'clock the House reassembled, and was called to order by the Speaker.

Roll called: quorum present.

MESSAGE FROM THE SENATE.

By unanimous consent, the Speaker announced the following:

SENATE CHAMBER,
Lansing, August 5, 1870.

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit the following entitled joint resolution:

Senate joint resolution No. 7, entitled

Joint resolution proposing an amendment to the Constitution of the State of Michigan, by adding thereto a new article, to stand as Article 19A, entitled, "Of Railroads;"

Which has passed the Senate by a two-thirds vote of all the Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,
HENRY S. SLEEPER,
Secretary of the Senate.

The joint resolution was read a first and second time by its title, and,

On motion of Mr. Huston,

The rules were suspended and the joint resolution was placed on its final passage.

The joint resolution was then read a third time, and pending the taking of the vote thereon,

Mr. R. V. Briggs moved to amend the joint resolution by striking out in line 2 of proposed section 1a, the words "are hereby declared public highways, and."

The amendment was withdrawn.

Mr. G. G. Briggs moved that the joint resolution be made the special order for this evening at 7½ o'clock;

Which motion did not prevail.

Mr. R. V. Briggs then renewed his amendment to strike out the words "are hereby declared public highways, and;"

Which amendment was not adopted.

Mr. Huston moved that there be a call of the House;

Which motion prevailed.

PROCEEDINGS UNDER THE CALL.

The roll of the House was called by the Clerk, and the following members reported absent without leave: Messrs. Mandigo, Mason, Plimpton, Purcell, Ward, H. G. Williams and Yawkey.

Mr. Millington moved that leave of absence be granted to Mr. Mandigo until to-morrow noon;

Which motion did not prevail.

Mr. Riford moved that leave of absence be granted to Mr. Plimpton until to-morrow noon;

Which motion did not prevail.

Mr. McKernan moved that leave of absence be granted to Mr. Mason until to-morrow noon;

Which motion did not prevail.

Mr. Gifford moved that leave of absence be granted to Mr. Ward until to-morrow noon;

Which motion did not prevail.

Mr. Miles moved that leave of absence be granted to himself for fifteen minutes;

Which motion prevailed.

On motion of Mr. Snell,

The Sergeant-at-Arms was dispatched after the absentees.

On motion of Mr. Huston,

All further proceedings under the call were dispensed with.

The joint resolution was then not passed, two-thirds of all the members elect not voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Avery,	Mr. Grant,	Mr. Norton,
Barnaby,	Green,	Osborn,
Baxter,	Harris,	Owen,
Beall,	Hartson,	Riford,
Blake,	Holt,	Sanford,
G. G. Briggs,	Hubbard,	Shaw,
Brownell,	Hurlbut,	Shier,
Cameron,	Huston,	Sickels,
B. Clark,	Ingersoll,	Slayton,

Crane,	Jewell,	Smith,
Curry,	L. Kendrick,	Snell,
Doty,	Lane,	Stockbridge,
Eaton,	Lee,	Vowles,
Eck,	Lovell,	Wagner,
Elliott,	McCowen,	Walker,
Fenner,	McKernan,	Walton,
Fuller,	Mead,	Westover,
Gay,	Miller,	Speaker,
Goodrich,	Newman,	56

NAYS.

Mr. Armstrong,	Mr. Horton,	Mr. Sheldon,
Ashley,	Hutchinson,	Stannard,
Bennett,	F. G. Kendrick,	Stewart,
Bostwick,	Kingsley,	Weier,
R. V. Briggs,	Klein,	Wendell,
O. Clark,	Millington,	White,
Cogshall,	Murray,	Wilcox,
Crossman,	Putnam,	J. A. Williams,
Davis,	Romeyn,	W. D. Williams,
Dusseau,	Seward,	Woodard,
Gifford,		31

Mr. Crossman moved to reconsider the vote by which the House refused to pass the joint resolution.

Mr. Romeyn moved to lay the motion to reconsider on the table;

Which motion did not prevail.

The motion to reconsider then prevailed.

On motion of Mr. Crossman,

The joint resolution was laid on the table.

Mr. Holt, unanimous consent being given, introduced

A bill to provide for the payment of the officers and members of the Legislature for the extra session of the year 1870.

The bill was read a first and second time by its title, and

On motion of Mr. W. D. Williams,

The rules were suspended, and the bill was placed on its immediate passage.

The bill was then read a third time, and the question being upon its passage, pending the taking of the vote thereon,

Mr. Mead moved to amend by striking out in section

2, the words "clerks employed with the consent of the Senate and House of Representatives by any of the standing or special committees of either of said Houses," and inserting in lieu thereof the words "clerks of the judiciary committee of the Senate and House of Representatives;"

Which was agreed to.

The bill was then passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Armstrong,	Mr. Green,	Mr. Putnam,
Ashley,	Harris,	Riford,
Avery,	Hartson,	Romeyn,
Barnaby,	Holt,	Sanford,
Baxter,	Horton,	Seward,
Beall,	Hubbard,	Shaw,
Bennett,	Hurlbut,	Sheldon,
Blake,	Huston,	Shier,
Bostwick,	Hutchinson,	Sickles,
G. G. Briggs,	Ingersoll,	Slayton,
R. V. Briggs,	Jewell,	Smith,
Cameron,	L. Kendrick,	Snell,
B. Clark,	F. G. Kendrick,	Stannard,
O. Clark,	Klein,	Stewart,
Cogshall,	Lane,	Stockbridge,
Crane,	Lee,	Vowles,
Crossman,	Lovell,	Wagner,
Davis,	McCowen,	Walker,
Doty,	McKernan,	Walton,
Dusseau,	Mead,	Weier,
Eaton,	Miles,	Wendell,
Eck,	Miller,	Westover,
Elliott,	Millington,	White,
Fuller,	Murray,	Wilcox,
Gay,	Newman,	J. A. Williams,
Gifford,	Norton,	W. D. Williams,
Goodrich,	Osborn,	Woodward,
Grant,	Owen,	Speaker, 84

NAYS.

Mr. Curry, Mr. Kingsley, 2

Title agreed to.

On motion of Mr. Holt,

By a vote of two-thirds of all the members, elect the bill was ordered to take immediate effect.

On motion of Mr Armstrong,

The House adjourned until to-morrow morning at 9 o'clock.

Lansing, Saturday, August 6, 1870.

The House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Bryant.

Roll called: quorum present.

Absent without leave: Messrs. Dusseau, Mandigo, Mason, Plimpton, Sanford, H. G. Williams, J. A. Williams and Yawkey.

Mr. Millington moved that leave of absence be granted Mr. Mandigo until 11 o'clock;

Which motion did not prevail.

Mr. Riford moved that leave of absence be granted to Mr. Plimpton until afternoon;

Which motion did not prevail.

Mr. G. G. Briggs moved that leave of absence be granted Mr. J. A. Williams until Tuesday morning;

Which motion did not prevail.

PRESENTATION OF PETITIONS.

By Mr. Fuller: petition of D. P. Hanson and others, for the appointment of Jonathan Burtch to the office of notary public.

Referred to the committee on internal improvements.

MOTIONS AND RESOLUTIONS.

Mr. Stewart offered the following:

Resolved, That hereafter, during this session, the time for delivering each argument, or explanation by a member, be limited to a period not exceeding five minutes;

Which was adopted.

Mr. Cogshall moved to reconsider the vote by which the House passed House manuscript bill, entitled

A bill to provide for the payment of the officers and members of the Legislature for the extra session of the year 1870;

Which motion did not prevail.

UNFINISHED BUSINESS,

Being the consideration of the following:

Resolved, (the Senate concurring,) That this Legislature do adjourn *sine die* on Wednesday, the 10th day of August, at 12 o'clock M.

Mr. G. G. Briggs moved to amend by striking out "Wednesday, the 10th," and inserting "Tuesday, the 9th;"

Which motion prevailed.

The resolution as amended, was then adopted.

Mr. Huston moved that the House take a recess until 11 o'clock.

Mr. Stewart moved that the House adjourn until Monday next, at 2 o'clock P. M.;

Which motion did not prevail.

The motion to take a recess until 11 o'clock then prevailed.

—

11 o'clock A. M.

The House reassembled and was called to order by the Speaker.

Roll called: quorum present.

Mr. G. G. Briggs, consent being given, moved to take from the table Senate joint resolution No. 7 entitled

Joint resolution proposing an amendment to the Constitution of the State of Michigan, by adding thereto a new article, to stand as article 19a, entitled "Of Railroads;"

Which motion prevailed.

The joint resolution having been read a third time, and the question being upon its passage, pending the taking the vote thereon,

Mr. Huston moved that there be a call of the House;

Which motion prevailed.

PROCEEDINGS UNDER THE CALL.

The roll of the House was called by the Clerk, and the following members reported absent without leave: Messrs. Crossman, Mandigo, Mason, Osborn, Plimpton, Purcell, Sickels, Snell, Stewart, H. G. Williams, J. A. Williams and Yawkey.

On motion of Mr. G. G. Briggs,

The Sergeant-at-Arms was dispatched after the absentees.

The Sergeant-at-Arms announced Mr. Snell at the bar of the House.

On motion of Mr. Brownell,

Mr. Snell was admitted within the bar, rendered an excuse, and took his seat.

The Sergeant-at-Arms announced Mr. Sickels at the bar of the House.

On motion of Mr. Baxter,

Mr. Sickels was admitted within the bar, rendered an excuse, and took his seat.

The Sergeant-at-Arms announced Mr. Mandigo at the bar of the House.

On motion of Mr. Brownell,

Mr. Mandigo was admitted within the bar, rendered an excuse, and took his seat.

The Sergeant-at-Arms announced Mr. Plimpton at the bar of the House.

On motion of Mr. Norton,

Mr. Plimpton was admitted within the bar, rendered an excuse, and took his seat.

Mr. Klein moved that all further proceedings under the call be dispensed with;

Which motion did not prevail.

The Sergeant-at-Arms announced Mr. Crossman at the bar of the House.

On motion of Mr. Cameron,

Mr. Crossman was admitted within the bar, rendered an excuse, and took his seat.

The Sergeant-at-Arms announced Mr. Osborn at the bar of the House.

On motion on Mr. Mead,

Mr. Osborn was admitted within the bar, rendered an excuse, and took his seat.

On motion of Mr. Brownell,

All further proceedings under the call were dispensed with.

The question recurring upon the passage of the joint resolution, which reads as follows:

JOINT RESOLUTION proposing an amendment to the Constitution of the State of Michigan, by adding thereto a new article, to stand as Article 19–a, entitled "Of Railroads."

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to the Constitution of the State be and the same is hereby proposed, to stand as Article 19–a, of said Constitution, and be entitled "Of Railroads:"

ARTICLE XIX–A, RAILROADS.

SECTION 1. All railroads heretofore constructed, or that may hereafter be constructed in this State, are hereby declared public highways, and shall be free to all persons for the transportation of their persons and property thereon, under such regulations as may be prescribed by law; and the Legislature shall, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on different railroads in this State, and shall prohibit running contracts between such railroad companies whereby discrimination is made in favor of either of such companies as against other companies owning connecting or intersecting lines of railroad.

SEC. 2. No railroad corporation shall consolidate its stock, property, or franchises with any other railroad corporation, owning a parallel or competing line; and in no case shall any consolidation take place except upon public notice given of

at least sixty days to all stockholders, in such manner as shall be provided by law.

SEC. 3. The Legislature shall provide by law for the payment by the counties, townships, and municipalities of this State, of all bonds or other obligations heretofore issued or incurred in pursuance of acts of the Legislature, by such counties, townships and municipalities severally, for and in aid of any railroad company: *Provided*, That such bonds or obligations shall be paid by the county, township, or municipality issuing or incurring the same, and in no other manner: *And also provided*, That the Legislature shall submit to the electors of each of said several counties, townships, and municipalities, for their decision, the question of payment, together with the mode and manner of the same.

SEC. 4. Cities, townships, or other municipalities may be authorized by the Legislature to aid in the construction of railroads to an amount not exceeding three per cent. of its assessed valuation: *Provided*, That the total amount of indebtedness authorized for all such purposes shall not exceed at any one time five per cent. of the assessed valuation of the municipality: *And provided further*, That no such aid shall be authorized without the vote of two-thirds of the electors of such municipality voting at any election duly called for that purpose. And none of the electors shall be deemed eligible to vote at said election unless he shall have resided in his ward, village, or township for three months previous to the day of such election.

Or, to be substituted as SEC. 4. No county, city, township, or other municipality shall aid in the construction of any railroad, or take stock in any private corporation.

The aforesaid amendment shall be and is hereby submitted to the people of this State at the next general election to be holden on the Tuesday succeeding the first Monday in November, 1870, as provided in section one, article twenty of the Constitution; and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties of this State in the same manner that he is now required

by law to do in the case of an election of Governor and Lieutenant Governor; and the inspectors of election in the several townships and cities of this State shall prepare a suitable box for the reception of ballots cast for and against such amendment. Each person voting at said election shall have written or printed on his ballot the words:

For all the propositions on this ticket which are not canceled with ink or pencil, and against all which are so canceled: For Article 19–a, entitled, "Of Railroads:" For Sec. 1, declaring railroads public highways. For Sec. 2, prohibiting consolidation of competing lines of railroads. For Sec. 3, authorizing the payment of bonds or obligations heretofore issued. For Sec. 4, providing for future aid for railroads. Each of said tickets shall be counted as a vote cast for each proposition thereon, not canceled with ink or pencil, and against each proposition so canceled, except that a vote against Sec. 4 for future aid shall be counted as a vote in favor of Sec. 4, prohibiting future aid. And if section 4, "against future aid," be adopted by a majority of the votes cast, it shall be and become a part of this Article, in place of section 4, "providing for future aid to railroads."

The ballots shall in all respects be canvassed, and returns be made as in elections of Governor and Lieutenant Governor.

Mr. Bostwick moved to amend the joint resolution by inserting in line 6 of section 3, between the words "the" and "electors," the words "a majority of the;"

Which was not agreed to.

Mr. Bostwick moved to amend the joint resolution by inserting after the word "payment," the words "or non-payment;"

Which was not agreed to.

Mr. Bostwick moved to amend the joint resolution by inserting in line 3, of section 4, after the word "valuation," the words "for any one road," and striking out all of the following proviso;

Which was not agreed to.

The joint resolution was then not passed, two-thirds of all the members elect not voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Avery,	Mr. Grant,	Mr. Newman,
Barnaby,	Green,	Norton,
Baxter,	Harris,	Osborn,
Beall,	Hartson,	Owen,
Blake,	Holt,	Riford,
G. G. Briggs,	Hubbard,	Sanford,
Brownell,	Hunt,	Shaw,
Cameron,	Hurlbut,	Shier,
B. Clark,	Huston,	Sickels,
Crane,	Ingersoll,	Slayton,
Crossman,	Jewell,	Smith,
Curry,	L. Kendrick,	Snell,
Davis,	Lane,	Stockbridge,
Doty,	Lee,	Vowles,
Eaton,	Lovell,	Wagner,
Eck,	Mandigo,	Walker,
Elliott,	McCowen,	Walton,
Fenner,	McKernan,	Ward,
Fuller,	Mead,	Westover,
Gay,	Miller,	Speaker,
Goodrich,	Mitchell,	62

NAYS.

Mr. Armstrong,	Mr. Hutchinson,	Mr. Romeyn,
Ashley,	F. G. Kendrick,	Seward,
Bennett,	Kingsley,	Sheldon,
Bostwick,	Klein,	Stannard,
R. V. Briggs,	Miles,	Weier,
O. Clark,	Millington,	Wendell,
Cogshall,	Murray,	White,
Dusseau,	Plimpton,	Wilcox,
Gifford,	Putnam,	W. D. Williams,
Horton,	Riopelle,	Woodard, 30

Mr. Norton moved that leave of absence be granted himself until Tuesday morning;

Which motion did not prevail.

Mr. Miles moved that the House adjourn until Tuesday morning at 9 o'clock;

Which motion did not prevail.

Mr. Plimpton moved to reconsider the vote by which the House refused to pass Senate joint resolution No. 7, entitled

Joint resolution proposing an amendment to the Constitution of the State of Michigan, by adding thereto a new article, to stand as Article 19–a, entitled, "Of Railroads."

Mr. Romeyn moved to lay the motion to reconsider on the table;

Which motion did not prevail.

The motion to reconsider then prevailed.

On motion of Mr. Sanford,

The joint resolution was laid on the table.

On motion of Mr. Cameron,

The House took a recess until 2 o'clock this afternoon.

—

AFTERNOON SESSION.

2 o'clock P. M.

The House met and was called to order by the Speaker.

Roll called: quorum present.

By unanimous consent, the committee on ways and means submitted the following:

The committee on ways and means, to whom was referred a resolution of this House instructing said committee to report the number of miles for which each of the officers and members thereof are entitled to draw mileage, respectfully report that they have had the same under consideration, and have directed me to report the number of miles as appears in list attached hereto, and ask to be discharged from the further consideration of the subject.

HENRY H. HOLT, *Chairman.*

The following is the list attached:

MESSENGERS.

Henry Boothroyd	2
Frank T. Plimpton	254
Bryant Avery	120
Jay Stannard	106
Charles Porter	2

CLERK OF THE JUDICIARY COMMITTEE.

Dwight N. Lowell..... 340

KEEPER OF CLOAK-ROOM.

John Hunt..... 176

Report accepted and committee discharged.

Mr. Huston moved to take from the table Senate joint resolution No. 7, entitled

Joint resolution proposing an amendment to the Constitution of the State of Michigan, by adding thereto a new article, to stand as Article 19–a, entitled, "Of Railroads;"

Which motion prevailed.

The joint resolution having been read a third time, and the question being upon its passage, pending the taking of the vote thereon,

Mr. Huston moved that there be a call of the House;

Which motion prevailed.

PROCEEDINGS UNDER THE CALL.

The roll of the House was called by the Clerk, and the following members reported absent without leave: Messrs. Horton, Hunt, Hurlbut, Mason, Purcell, Smith, Stewart, H. G. Williams, J. A. Williams and Yawkey.

On motion of Mr. Huston,

The Sergeant-at-Arms was dispatched after the absentees.

The Sergeant-at-Arms announced Mr. Smith at the bar of the House.

On motion of Mr. Baxter.

Mr. Smith was admitted within the bar, rendered an excuse, and took his seat.

The Sergeant-at-Arms announced Mr. Hunt at the bar of the House.

On motion of Mr. Green,

Mr. Hunt was admitted within the bar, rendered an excuse, and took his seat.

Mr. Ingersoll offered the following:

Whereas, The Hon. Wm. Purcell, a member of this House

from the city of Detroit, and Hon. S. W. Yawkey, a member from the 2d representative district of Saginaw county, have remained absent from their seats in this House during this entire session, without any known good cause;

And whereas, Their several constituencies are thus deprived of representation on this floor; therefore

Resolved, That the Sergeant-at-Arms be dispatched for those gentlemen, and that they be brought within the bar of this House.

Mr. Miles arose to a point of order, as follows: The House being under the operation of a call of the House, and having dispatched the Sergeant-at-Arms after the absentees, the adoption of the resolution would be resolving a second time to do a thing which the House had already ordered done.

The Speaker decided the point well taken.

Mr. Ingersoll then withdrew his resolution.

The Sergeant-at-Arms announced Mr. Horton at the bar of the House.

On motion of Mr. G. G. Briggs,

Mr. Horton was admitted within the bar, rendered an excuse, and took his seat.

The Sergeant-at-Arms announced Mr. Hurlbut at the bar of the House.

On motion of Mr. Cogshall,

Mr. Hurlbut was admitted within the bar, rendered an excuse, and took his seat.

On motion of Mr. Sanford,

All further proceedings under the call were dispensed with.

The joint resolution was then not passed, two-thirds of all the members elect not voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Avery,	Mr. Grant,	Mr. Newman,
Barnaby,	Green,	Norton,
Baxter,	Harris,	Osborn,
Beall,	Harston,	Owen,

Blake,	Holt,	Riford,
G. G. Briggs,	Hubbard,	Sanford,
Brownell,	Hunt,	Shaw,
Cameron,	Hurlbut,	Shier,
B. Clark,	Huston,	Sickels,
Crane,	Jewell,	Slayton,
Crossman,	L. Kendrick,	Smith,
Curry,	Lane,	Snell,
Davis,	Lee,	Stockbridge,
Doty,	Lovell,	Vowles,
Eaton,	Mandigo,	Wagner,
Eck,	McCowen,	Walker,
Elliott,	McKernan,	Walton,
Fenner,	Mead,	Ward,
Fuller,	Miller,	Westover,
Gay,	Mitchell,	Speaker,
Goodrich,		61

NAYS.

Mr. Armstrong,	Mr. Ingersoll,	Mr. Romeyn,
Ashley,	F. G. Kendrick,	Seward,
Bennett,	Kingsley,	Sheldon,
Bostwick,	Klein,	Stannard,
R. V. Briggs,	Miles,	Weier,
O. Clark,	Millington,	Wendell,
Cogshall,	Murray,	White,
Dusseau,	Plimpton,	Wilcox,
Gifford,	Putnam,	W. D. Williams,
Horton,	Riopelle,	Woodard,
Hutchinson,		31

Mr. Ingersoll moved to reconsider the vote by which the House refused to pass the joint resolution;

Which motion prevailed.

On motion of Mr. Ingersoll,

The joint resolution was laid on the table.

Mr. Ingersoll again offered the following:

Whereas, The Hon. William Purcell, a member of this House from the city of Detroit, and Hon. S. W. Yawkey, a member from the second representative district of Saginaw county, have remained absent from their seats in this House during this entire session, without any known good cause;

And whereas, Their several constituencies are thus deprived of representation on this floor; therefore,

Resolved, That the Sergeant-at-Arms be dispatched for those gentlemen, and that they be brought within the bar of this House.

Mr. Miles moved to amend by adding to the resolution "and also Messrs. H. G. Williams, Mason and J. A. Williams."

Mr. Romeyn demanded the yeas and nays on the amendment.

The demand was seconded.

Mr. Sanford called for a division of the question, that the vote might be taken separately on each name embraced in the amendment.

The question being first upon adding the name of Mr. H. G. Williams, the same was not agreed to, by yeas and nays, as follows:

YEAS.

Mr. Bennett,	Mr. Miles,	Mr. Slayton,
R. V. Briggs,	Mitchell,	Weier,
Dusseau,	Riopelle,	Wendell,
F. G. Kendrick,	Romeyn,	W. D. Williams,
Klein,	Sheldon,	Woodard, 15

NAYS.

Mr. Armstrong,	Mr. Goodrich,	Mr. Murray,
Ashley,	Grant,	Newman,
Avery,	Green,	Norton,
Barnaby,	Harris,	Osborn,
Baxter,	Hartson,	Owen,
Beall,	Holt,	Plimpton,
Blake,	Horton,	Putnam,
Bostwick,	Hubbard,	Riford,
G. G. Briggs,	Hunt,	Seward,
Brownell,	Hurlbut,	Shaw,
Cameron,	Huston,	Shier,
B. Clark,	Hutchinson,	Sickels,
Cogshall,	Ingersoll,	Smith,
Crane,	Jewell,	Snell,
Crossman,	L. Kendrick,	Stannard,
Curry,	Kingsley,	Stockbridge,
Davis,	Lane,	Vowles,
Doty,	Lee,	Wagner,
Eaton,	Lovell,	Walker,
Eck,	Mandigo,	Walton,
Elliott,	McCowen,	Ward,

Fenner,	McKernan,	Westover,
Fuller,	Mead,	White,
Gay,	Miller,	Wilcox,
Gifford,	Millington,	74

The question being upon adding the name of Mr. Mason, the same was not agreed to, by yeas and nays, as follows:

YEAS.

Mr. Bennett,	Mr. Klein,	Mr. Riopelle,
Blake,	McCowen,	Romeyn,
R. V. Briggs,	Miles,	Wendell,
Dusseau,	Osborn,	Woodard, 12

NAYS.

Mr. Armstrong,	Mr. Grant,	Mr. Norton,
Ashley,	Green,	Owen,
Avery,	Harris,	Plimpton,
Barnaby,	Hartson,	Putnam,
Baxter,	Horton,	Riford,
Beall,	Hubbard,	Sanford,
Bostwick,	Hunt,	Seward,
G. G. Briggs,	Hurlbut,	Shaw,
Brownell,	Huston,	Sheldon,
Cameron,	Hutchinson,	Sickels,
B. Clark,	Ingersoll,	Slayton,
O. Clark,	Jewell,	Smith,
Cogshall,	F. G. Kendrick,	Snell,
Crane,	Kingsley,	Stannard,
Crossman,	Lane,	Stockbridge,
Curry,	Lee,	Vowles,
Davis,	Lovell,	Wagner,
Doty,	Mandigo,	Walker,
Eaton,	McKernan,	Walton,
Eck,	Mead,	Ward,
Elliott,	Miller,	Weier,
Fenner,	Millington,	Westover,
Fuller,	Mitchell,	White,
Gay,	Murray,	Wilcox,
Gifford,	Newman,	W. D. Williams,
Goodrich,		76

The question being upon adding the name of Mr. J. A. Williams, the same was not agreed to, by yeas and nays, as follows:

YEAS.

Mr. O. Clark,	Mr. Miles,	Mr. Weier,
Klein,	Riopelle,	Wendell,

Lee,	Romeyn,	Woodard,
McKernan,	Sheldon,	11

NAYS.

Mr. Armstrong,	Mr. Gifford,	Mr. Murray,
Ashley,	Goodrich,	Newman,
Avery,	Grant,	Norton,
Barnaby,	Green,	Osborn,
Baxter,	Hartson,	Owen,
Beall,	Holt,	Plimpton,
Bennett,	Horton,	Riford,
Bostwick,	Hubbard,	Sanford,
G. G. Briggs,	Hunt,	Seward,
R. V. Briggs,	Hurlbut,	Shaw,
Brownell,	Huston,	Sickels,
Cameron,	Hutchinson,	Slayton,
B. Clark,	Ingersoll,	Smith,
Cogshall,	Jewell,	Snell,
Crane,	L. Kendrick,	Stannard,
Crossman,	F. G. Kendrick,	Stockbridge,
Curry,	Kingsley,	Vowles,
Davis,	Lane,	Wagner,
Doty,	Lovell,	Walker,
Eaton,	Mandigo,	Walton,
Eck,	McCowen,	Ward,
Elliott,	Mead,	Westover,
Fenner,	Miller,	White,
Fuller,	Millington,	Wilcox,
Gay,	Mitchell,	W. D. Williams,
		75

The question recurring upon the adoption of the resolution,

Mr. Millington demanded the yeas and nays.

The demand was seconded.

On motion of Mr. Brownell,

The resolution was laid on the table.

Mr. G. G. Briggs moved that the House adjourn until Tuesday next at 12 o'clock M.;

Which motion did not prevail.

On motion of Mr. Romeyn,

The House adjourned until Monday morning at 9 o'clock.

Lansing, Monday, August 8, 1870.

The House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Davis.

Roll called: quorum present.

Absent without leave: Messrs. Cameron, Crossman, Curry, Doty, Elliott, Goodrich, Grant, Green, Ingersoll, Lane, Mason, Murray, Norton, Purcell, Sanford, Sickels, Smith, Stannard, Stewart, Wagner, Ward, Westover, H. G. Williams, J. A. Williams and Yawkey—25.

Mr. Walker moved that leave of absence be granted to Mr. Cameron until afternoon;

Which motion prevailed.

Mr. R. V. Briggs moved that leave of absence be granted to Mr. Stewart until to-morrow morning;

Which motion did not prevail.

Mr. Davis moved that leave of absence be granted to Mr. Murray until to-morrow morning;

Which motion did not prevail.

Mr. B. Clark moved that leave of absence be granted to Mr. Wagner until this afternoon;

Which motion did not prevail.

On motion of Mr. Klein,

The House adjourned until 3 o'clock this afternoon.

—

AFTERNOON SESSION.

3 o'clock P. M.

The House met and was called to order by the Speaker.

Roll called: quorum present.

MOTIONS AND RESOLUTIONS.

Mr. Romeyn offered the following:

Resolved, That in view of the obvious necessity for prompt action upon the questions pending before this House, and further, in view of the repeated and persistent refusal of leave

of absence to members, except in case of sickness or actual disability, as appears from the journals, it is the sense of the House of Representatives that the action of those members thereof, who have absented themselves, is a dereliction of official duty, and a contempt of the authority and privileges of the House, and as such is deserving of its censure, which is hereby pronounced.

Mr. Huston moved to lay the resolution on the table;

Which motion did not prevail.

On motion of Mr. Lee,

The resolution was referred to the committee on State affairs.

Mr. Ingersoll offered the following:

Whereas, This House views the present war between the two great powers of France and Prussia as one that has been created solely to gratify the ambition of the Emperor of the French, and to resist which the Kingdom of Prussia has been forced to take up the sword, defending her honor and protecting her territory from invasion; therefore,

Resolved, That the telegraphic dispatches just received, announcing decided victories by the Prussian forces on the 5th and 6th inst., over the armies of Louis Napoleon, is received by this House with the liveliest satisfaction, and hope of future triumphs.

Mr. Riford moved to lay the resolution on the table.

Mr. Ingersoll demanded the yeas and nays.

The demand was not seconded.

The motion to lay the resolution on the table prevailed.

On motion of Mr. Horton,

The House took a recess until 7½ o'clock this evening.

—

EVENING SESSION.

7½ o'clock.

The House met and was called to order by the Speaker.

Roll called: quorum present.

PRESENTATION OF PETITIONS.

By Mr. Ashley, remonstrance of J. J. Willard, and 82 other citizens of Cass county, against the submission to the people, of any amendment whereby authority may be granted to vote aid to railroads;

Referred to the committees on judiciary and internal improvements jointly.

MESSAGE FROM THE GOVERNOR.

The Speaker announced the following:

EXECUTIVE OFFICE,
Lansing, August 8, 1870.

To the Legislature.

I am informed that the returns of lands delinquent for taxes in the counties of Houghton and Keweenaw were made at so late a date as to render such returns illegal. I recommend that such legislation be had as will enable the Auditor General to advertise and sell the lands in those counties at the usual time for such sales.

HENRY P. BALDWIN.

The message was referred to the committee on ways and means.

INTRODUCTION OF BILLS.

Mr. McKernan, unanimous consent being given, introduced

A bill to legalize the return of taxes for the county of Houghton, for the year 1869.

The bill was read a first and second time by its title, and referred to the committee on ways and means.

Mr. McKernan, unanimous consent being given, introduced

A bill to legalize the return of taxes for the county of Keweenaw, for the year 1869.

The bill was read a first and second time by its title, and referred to the committee on ways and means.

By unanimous consent, the committee on ways and means submitted the following report:

The committee on ways and means to whom was referred a manuscript bill, entitled

A bill to legalize the return of taxes for the county of Houghton, for the year one thousand eight hundred and sixty-nine,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House without amendment, and recommend that it do pass, and ask to be discharged from the further consideration of the subject.

HENRY H. HOLT, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. McKernan,

The rules were suspended, and the bill was placed on its immediate passage.

The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Armstrong,	Mr. Green,	Mr. Owen,
Ashley,	Harris,	Plimpton,
Barnaby,	Hartson,	Putnam,
Baxter,	Holt,	Riford,
Beall,	Horton,	Riopelle,
Bennett,	Hubbard,	Romeyn,
Blake,	Hunt,	Sanford,
Bostwick,	Hurlbut,	Seward,
G. G. Briggs,	Huston,	Shaw,
R. V. Briggs,	Hutchinson,	Sheldon,
Brownell,	Jewell,	Shier,
Cameron,	L. Kendrick,	Sickels,
B. Clark,	F. G. Kendrick,	Slayton,
O. Clark,	Kingsley,	Smith,
Cogshall,	Klein,	Snell,
Crane,	Lane,	Stannard,
Curry,	Lee,	Stockbridge,
Davis,	Lovell,	Vowles,
Doty,	Mandigo,	Wagner,
Dusseau,	McCowen,	Walker,
Eaton,	McKernan,	Walton,

Eck,	Mead,	Weier,
Elliott,	Miles,	Wendell,
Fenner,	Miller,	White,
Fuller,	Millington,	Wilcox,
Gay,	Mitchell,	J. A. Williams,
Gifford,	Murray,	W. D. Williams,
Goodrich,	Newman,	Woodard,
Grant,	Osborn,	Speaker, 87

NAYS. 0

Title agreed to.

On motion of Mr. McKernan,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

By unanimous consent the committee on ways and means submitted the following report:

The committee on ways and means, to whom was referred a manuscript bill, entitled

A bill to legalize the return of taxes for the county of Keweenaw, for the year one thousand eight hundred and sixty-nine,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House without amendment, and recommend that it do pass, and ask to be discharged from the further consideration of the subject.

HENRY H. HOLT, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. McKernan,

The rules were suspended, and the bill was placed on its immediate passage.

The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Armstrong,	Mr. Green,	Mr. Plimpton,
Ashley,	Harris,	Putnam,
Avery,	Hartson,	Riford,
Barnaby,	Holt,	Riopelle,
Baxter,	Horton,	Romeyn,
Beall,	Hubbard,	Sanford,

Bennett,	Hunt,	Seward,
Blake,	Hurlbut,	Shaw,
Bostwick,	Huston,	Sheldon,
R. V. Briggs,	Hutchinson,	Shier,
Brownell,	Jewell,	Sickels,
Cameron,	L. Kendrick,	Slayton,
B. Clark,	F. G. Kendrick,	Smith,
O. Clark,	Kingsley,	Snell,
Cogshall,	Klein,	Stannard,
Crane,	Lane,	Stockbridge,
Crossman,	Lee,	Vowles,
Curry,	Lovell,	Wagner,
Davis,	Mandigo,	Walker,
Doty,	McCowen,	Walton,
Dusseau,	McKernan,	Ward,
Eaton,	Mead,	Weier,
Eck,	Miles,	Wendell,
Elliott,	Miller,	White,
Fenner,	Millington,	Wilcox,
Fuller,	Mitchell,	J. A. Williams,
Gay,	Murray,	W. D. Williams,
Gifford,	Newman,	Woodard,
Goodrich,	Osborn,	Speaker,
Grant,	Owen,	89

NAYS. 0

Title agreed to.

On motion of Mr. McKernan,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Mr. Holt moved that leave of absence be granted to Mr. Norton until to-morrow morning;

Which motion did not prevail.

Mr. Huston moved that there be a call of the House;

Which motion prevailed.

PROCEEDINGS UNDER THE CALL.

The roll of the House was called by the Clerk, and the following members reported absent without leave: Messrs. Ingersoll, Mason, Norton, Purcell, Stewart, Westover, H. G. Williams and Yawkey.

On motion of Mr. G. G. Briggs,

The Sergeant-at-arms was dispatched after the absentees.

On motion of Mr. Stockbridge,

All further proceedings under the call were dispensed with.

By unanimous consent, Mr. Horton offered the following:

Resolved, That Senate joint resolution No. 7 be made the special order for Tuesday next, to-morrow, at 2½ o'clock P. M., and the result of the vote then taken shall be considered the final action of this House on said joint resolution;

Which was withdrawn.

On motion of Mr. Crossman,

The House adjourned until to-morrow morning at 10½ o'clock.

Lansing, Tuesday, August 9, 1870.

The House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Straub.

Roll called: quorum present.

Absent without leave: Messrs. Ingersoll, Purcell, H. G. Williams and Yawkey.

PRESENTATION OF PETITIONS.

By Mr. Smith: petition of citizens of Ionia county, asking the Legislature to submit to the people an amendment to the Constitution validating all bonds voted in aid of railroads.

Referred to the committees on judiciary and internal improvements, jointly.

MESSAGE FROM THE SENATE.

The Speaker announced the following:

SENATE CHAMBER,
Lansing, August 9, 1870.

To the Speaker of the House of Representatives:

SIR—I am instructed to return to the House the following bills:

1. House manuscript bill, entitled

A bill to legalize the return of taxes for the county of Houghton for the year 1869.

2. House manuscript bill, entitled

A bill to legalize the return of taxes for the county of Keweenaw for the year 1869;

In the passage of which the Senate has concurred by a majority vote of all the Senators elect, and has ordered the same to take immediate effect by a two-thirds vote of all the Senators elect.

Very respectfully,

HENRY S. SLEEPER,

Secretary of the Senate.

The bills were referred to the committee on engrossment and enrollment, for enrollment.

MOTIONS AND RESOLUTIONS.

Mr. G. G. Briggs moved to take from the table Senate joint resolution No. 7, entitled

Joint resolution proposing an amendment to the Constitution of the State of Michigan, by adding thereto a new article, to stand as Article 19–A, entitled, "Of Railroads;"

Which motion prevailed.

The question pending being upon the passage of the joint resolution,

Mr. Curry moved that there be a call of the House;

Which motion prevailed.

PROCEEDINGS UNDER THE CALL.

The roll of the House was called by the Clerk, and the following members reported absent without leave: Messrs. Ingersoll, Purcell, H. G. Williams and Yawkey.

On motion of Mr. Romeyn,

The Sergeant-at-Arms was dispatched after the absentees.

Mr. Ward moved that all further proceedings under the call be dispensed with;

Which motion did not prevail.

Mr. Cogshall moved that indefinite leave of absence be granted to Mr. Ingersoll;

Which motion did not prevail.

Mr. Cogshall moved that all further proceedings under the call be dispensed with;

Which motion did not prevail.

The Sergeant-at-Arms announced Mr. Ingersoll at the bar of the House.

On motion of Mr. Romeyn,

Mr. Ingersoll was admitted within the bar, rendered an excuse, and took his seat.

On motion of Mr. Walker,

All further proceedings under the call were dispensed with.

Mr. Wilcox then moved to amend the joint resolution by striking out proposed sections 1 and 2, and also the substitute for section 4, and making sections 3 and 4 to stand as sections 1 and 2; also, by striking out in the present section 4, the words "two-thirds," and inserting "a majority" in lieu thereof; also by striking out all of the joint resolution after the word "railroads," in line 10 of that portion of the joint resolution providing for the manner of submission, and inserting the following in lieu thereof:

"For Sec. 1. Authorizing the payment of bonds or obligations heretofore issued.

"For Sec. 2. Providing for future aid for railroads. Each of said tickets shall be counted as a vote cast for each proposition thereon, not canceled with ink or pencil, and against each proposition so canceled.

"The ballots shall in all respects be canvassed, and returns be made as in elections of Governor and Lieutenant Governor;"

Which were not agreed to.

Mr. Klein moved to strike out all after the enacting clause of the joint resolution;

Which motion did not prevail.

The joint resolution was then not passed, two-thirds of all the members elect not voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Avery,	Mr. Grant,	Mr. Mitchell,
Barnaby,	Green,	Newman,
Baxter,	Harris,	Norton,
Beall,	Hartson,	Osborn,
Blake,	Holt,	Owen,
G. G. Briggs,	Hubbard,	Riford,
Brownell,	Hunt,	Sanford,
Cameron,	Hurlbut,	Shaw,
B. Clark,	Huston,	Shier,
Crane,	Ingersoll,	Sickels,
Crossman,	Jewell,	Slayton,
Curry,	L. Kendrick,	Smith,
Davis,	Lane,	Snell,
Doty,	Lee,	Stockbridge,
Eaton,	Lovell,	Vowles,
Eck,	Mandigo,	Wagner,
Elliott,	Mason,	Walker,
Fenner,	McCowen,	Walton,
Fuller,	McKernan,	Ward,
Gay,	Mead,	Westover,
Goodrich,	Miller,	Speaker, 63

NAYS.

Mr. Armstrong,	Mr. F. G. Kendrick,	Mr. Sheldon,
Ashley,	Kingsley,	Stannard,
Bennett,	Klein,	Stewart,
Bostwick,	Miles,	Weier,
R. V. Briggs,	Millington,	Wendell,
O. Clark,	Murray,	White,
Cogshall,	Plimpton,	Wilcox,
Dusseau,	Putnam,	J. A. Williams,
Gifford,	Riopelle,	W. D. Williams,
Horton,	Romeyn,	Woodard,
Hutchinson,	Seward,	32

Mr. Miles moved to reconsider the vote by which the joint resolution was not passed;

Which motion prevailed.

Mr. Baxter moved to lay the joint resolution on the table;

Which motion did not prevail.

Mr. Owen moved to recommit the joint resolution to the committees on judiciary and internal improvements, jointly, with instructions to strike out section four and the substitute therefor;

Which motion prevailed.

On motion of Mr. Sanford,

The House took a recess until 2½ o'clock.

—

AFTERNOON SESSION.

2½ o'clock P. M.

The House met and was called to order by the Speaker.

Roll called: quorum present.

The House resumed business under the order of

MOTIONS AND RESOLUTIONS.

Mr. Cogshall offered the following:

Whereas, Authentic information has been received by this House that the family of the Hon. Mr. Ingersoll is afflicted with sickness, and perhaps death; now therefore,

Resolved, That he be excused from attendance at the session of this House for the remainder of the session, if he so desires;

Which was adopted.

Mr. R. V. Briggs offered the following:

Resolved, By the House, (the Senate concurring), That the Secretary of State be and he is hereby authorized and directed, to forward one copy of the laws and resolutions passed at the present session of the Legislature; also one copy of the journals and documents of the Senate and House of Representatives, to each of the members and officers of the two Houses, directed to the clerks of the several counties in which said members and officers reside, as soon as the same shall be printed, bound, and ready for delivery.

On motion of Mr. Cogshall, the rule requiring concurrent resolutions to lie on the table one day was suspended, and the resolution was adopted.

By unanimous consent, the committees on judiciary and internal improvements, jointly, submitted the following report:

The committees on judiciary and internal improvements, to whom was recommitted Senate joint resolution No. 7, entitled

Joint resolution proposing an amendment to the Constitution of the State of Michigan, by adding thereto a new article, to stand as Article 19–a, entitled, "Of Railroads,"

With instructions to amend by striking out section 4 and alternate section 4, and to amend the submission to correspond,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, with the said amendments to the joint resolution, and ask to be discharged from the further consideration of the subject.

E. F. MEAD,
Chairman of Committee on the Judiciary.
R. B. SMITH,
Chairman of Com. on Int. Improvements.

Report accepted and committee discharged.

On motion of Mr. McCowen,

The House concurred in the amendments made to the joint resolution by the committee.

The joint resolution having been read a third time, and the question being upon its passage, pending the taking of the vote thereon,

Mr. Owen moved to amend the joint resolution, so that section three should read as follows:

"SEC. 3. The Legislature may provide by law for the payment by the counties, townships, and municipalities of this State, of all bonds or other obligations heretofore issued or incurred in pursuance of acts of the Legislature, by such counties, townships, and municipalities severally, for and in aid of any railroad company. Such bonds or obligations shall be paid by the county, township, or municipality issuing or incurring the same, and in no event shall the State pay, or become liable for any portion of such bonds or obligations: *Provided*, That the Legislature shall submit to the electors of each of said several counties, townships, and municipalities, for their decision, the question of payment, together with the mode and manner of the same."

Mr. Romeyn moved to amend the amendment by striking out in line 2, of section 3, the words "heretofore issued or incurred," and inserting in lieu thereof "issued prior to the 27th day of May, 1870;"

Which motion did not prevail.

The amendment of Mr. Owen then prevailed.

Mr. Barnaby moved to amend the joint resolution by striking out section 1;

Which motion did not prevail.

The joint resolution was then not passed, two-thirds of all the members elect not voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Armstrong,	Mr. Goodrich,	Mr. Miller,
Avery,	Grant,	Norton,
Barnaby,	Green,	Osborn,
Baxter,	Harris,	Owen,
Beall,	Hartson,	Riford,
Blake,	Holt,	Sanford,
Bostwick,	Hubbard,	Shaw,
G. G. Briggs,	Hunt,	Shier,
Brownell,	Hurlbut,	Sickels,
Cameron,	Huston,	Smith,
B. Clark,	Hutchinson,	Snell,
Crossman,	Ingersoll,	Stockbridge,
Curry,	Jewell,	Vowles,
Davis,	L. Kendrick,	Wagner,
Doty,	Lane,	Walker,
Eck,	Lovell,	Walton,
Elliott,	Mandigo,	Ward,
Fenner,	McCowen,	Westover,
Gay,	Mead,	Speaker,
Gifford,		58

NAYS.

Mr. Ashley,	Mr. Mason,	Mr. Slayton,
Bennett,	McKernan,	Stannard,
R. V. Briggs,	Miles,	Stewart,
O. Clark,	Millington,	Weier,
Cogshall,	Mitchell,	Wendell,
Crane,	Murray,	White,
Dusseau,	Newman,	Wilcox,
Fuller,	Plimpton,	J. A. Williams,

F. G. Kendrick,	Putnam,	W. D. Williams,	
Kingsley,	Romeyn,	Woodard,	
Klein,	Seward,		32

Mr. Mason moved to reconsider the vote by which the House refused to pass the joint resolution.

Mr. Romeyn moved to lay the motion to reconsider on the table;

Which motion did not prevail.

The motion to reconsider then prevailed.

The question recurring upon the passage of the joint resolution,

Mr. Riford moved to amend by striking out all of lines one, two, and three of section one, and substituting "may" for "shall," in the fourth line of the same section;

Which was agreed to.

The joint resolution was then not passed, two-thirds of all the members elect not voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Armstrong,	Mr. Goodrich,	Mr. Mead,	
Avery,	Grant,	Miller,	
Barnaby,	Harris,	Norton,	
Beall,	Hartson,	Osborn,	
Blake,	Holt,	Owen,	
Bostwick,	Horton,	Riford,	
G. G. Briggs,	Hubbard,	Sanford,	
Brownell,	Hunt,	Shaw,	
Cameron,	Hurlbut,	Shier,	
B. Clark,	Huston,	Sickels,	
Crossman,	Hutchinson,	Smith,	
Curry,	Ingersoll,	Snell,	
Davis,	Jewell,	Stockbridge,	
Doty,	L. Kendrick,	Vowles,	
Eaton,	Lane,	Wagner,	
Eck,	Lee,	Walker,	
Elliott,	Lovell,	Walton,	
Fenner,	Mandigo,	Ward,	
Fuller,	Mason,	Westover,	
Gay,	McCowen,	Speaker,	
Gifford,	McKernan,		62

NAYS.

Mr. Ashley,	Mr. Klein,	Mr. Slayton,
Baxter,	Millington,	Stannard,
Bennett,	Mitchell,	Stewart,
R. V. Briggs,	Murray,	Weier,
O. Clark,	Newman,	Wendell,
Cogshall,	Plimpton,	White,
Crane,	Putnam,	Wilcox,
Dusseau,	Riopelle,	J. A. Williams,
Green,	Romeyn,	W. D. Williams,
F. G. Kendrick,	Seward,	Woodard,
Kingsley,	Sheldon,	32

Mr. Baxter moved to reconsider the vote by which the House refused to pass the joint resolution;

Which motion prevailed.

The question recurring upon the passage of the joint resolution,

Mr. Wilcox moved to amend by striking out all of sections 1 and 2;

Which was not agreed to.

Mr. Owen moved to amend section 3, as previously amended, by striking out the words "provided that;"

Which was agreed to.

Mr. Cogshall moved to strike out all after the enacting clause of the joint resolution;

Which motion did not prevail.

Mr. Owen moved that there be a call of the House;

Which motion did not prevail.

The joint resolution was then not passed, two-thirds of all the members elect not voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Armstrong,	Mr. Gifford,	Mr. McKernan,
Avery,	Goodrich,	Mead,
Barnaby,	Grant,	Miles,
Baxter,	Green,	Miller,
Beall,	Harris,	Norton,
Blake,	Harston,	Osborn,
Bostwick,	Holt,	Owen,
G. G. Briggs,	Horton,	Riford,

Brownell,	Hubbard,	Sanford,
Cameron,	Hunt,	Shaw,
B. Clark,	Hurlbut,	Shier,
Crane,	Huston,	Sickels,
Crossman,	Hutchinson,	Smith,
Curry,	Ingersoll,	Snell,
Davis,	Jewell,	Stockbridge,
Doty,	L. Kendrick,	Vowles,
Eaton,	Lane,	Wagner,
Eck,	Lee,	Walker,
Elliott,	Lovell,	Walton,
Fenner,	Mandigo,	Ward,
Fuller,	Mason,	Westover,
Gay,	McCowen,	Speaker, 66

NAYS.

Mr. Ashley,	Mr. Mitchell,	Mr. Stannard,
Bennett,	Murray,	Stewart,
R. V. Briggs,	Newman,	Weier,
O. Clark,	Plimpton,	Wendell,
Cogshall,	Putnam,	White,
Dusseau,	Riopelle,	Wilcox,
F. G. Kendrick,	Romeyn,	J. A. Williams,
Kingsley,	Seward,	W. D. Williams,
Klein,	Sheldon,	Woodard,
Millington,	Slayton,	29

Mr. Seward moved to reconsider the vote by which the House refused to pass the joint resolution;

Which motion prevailed.

The question recurring upon the passage of the joint resolution, which reads as follows:

JOINT RESOLUTION proposing an amendment to the Constitution of the State of Michigan, by adding thereto a new article, to stand as Article 19–a, entitled "Of Railroads."

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to the Constitution of the State be and the same is hereby proposed, to stand as Article 19–a, of said Constitution, and be entitled "Of Railroads:"

ARTICLE XIX–A, RAILROADS.

SECTION 1. The Legislature may, from time to time, pass laws establishing reasonable maximum rates of charges for the

transportation of passengers and freight on different railroads in this State, and shall prohibit running contracts between such railroad companies whereby discrimination is made in favor of either of such companies as against other companies owning connecting or intersecting lines of railroad.

SEC. 2. No railroad corporation shall consolidate its stock, property, or franchises with any other railroad corporation, owning a parallel or competing line; and in no case shall any consolidation take place except upon public notice given of at least sixty days to all stockholders, in such manner as shall be provided by law.

SEC. 3. The Legislature may provide by law for the payment by the counties, townships, and municipalities of this State, of all bonds or other obligations, heretofore issued or incurred in pursuance of acts of the Legislature, by such counties, townships and municipalities severally, for and in aid of any railroad company. Such bonds or obligations shall be paid by the county, township, or municipality issuing or incurring the same, and in no event shall the State pay or become liable for any portion of such bonds or obligations. The Legislature shall submit to the electors of each of said several counties, townships and municipalities, for their decision, the question of payment, together with the mode and manner of the same.

The aforesaid amendment shall be and is hereby submitted to the people of this State at the next general election to be holden on the Tuesday succeeding the first Monday in November, 1870, as provided in section one, article twenty of the Constitution; and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties of this State in the same manner that he is now required by law to do in the case of an election of Governor and Lieutenant Governor; and the inspectors of election in the several townships and cities of this State shall prepare a suitable box for the reception of ballots cast for and against such amendment. Each person voting at said election shall have written or printed on his ballot the words:

For all the propositions on this ticket which are not canceled with ink or pencil, and against all which are so canceled: For Article 19–a, entitled, "Of Railroads:" For Sec. 1, authorizing Legislature to regulate passenger and freight charges on railroads. For Sec. 2, prohibiting consolidation of competing lines of railroads. For Sec. 3, authorizing the payment of bonds or obligations heretofore issued. Each of said tickets shall be counted as a vote cast for each proposition thereon, not canceled with ink or pencil, and against each proposition so canceled.

The ballots shall in all respects be canvassed, and returns be made as in elections of Governor and Lieutenant Governor.

The joint resolution was passed, two-thirds of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Armstrong,	Mr. Goodrich,	Mr. Mead,
Avery,	Grant,	Miller,
Barnaby,	Green,	Mitchell,
Baxter,	Harris,	Newman,
Beall,	Hartson,	Norton,
Blake,	Holt,	Osborn,
Bostwick,	Horton,	Owen,
G. G. Briggs,	Hubbard,	Riford,
Brownell,	Hunt,	Sanford,
Cameron,	Hurlbut,	Shaw,
B. Clark,	Huston,	Shier,
Crane,	Hutchinson,	Sickels,
Crossman,	Ingersoll,	Smith,
Curry,	Jewell,	Snell,
Davis,	L. Kendrick,	Stockbridge,
Doty,	Lane,	Vowles,
Eaton,	Lee,	Wagner,
Eck,	Lovell,	Walker,
Elliott,	Mandigo,	Walton,
Fenner,	Mason,	Ward,
Fuller,	McCowen,	Westover,
Gay,	McKernan,	Speaker,
Gifford,		67

NAYS.

Mr. Ashley,	Mr. Millington,	Mr. Stannard,
Bennett,	Murray,	Stewart,

R. V. Briggs,	Plimpton,	Weier,
O. Clark,	Putnam,	Wendell,
Cogshall,	Riopelle,	White,
Dusseau,	Romeyn,	Wilcox,
F. G. Kendrick,	Seward,	J. A. Williams,
Kingsley,	Sheldon,	W. D. Williams,
Klein,	Slayton,	Woodard,
Miles,		28

Title agreed to.

On motion of Mr. Riford,

The House took a recess until this evening at 7½ o'clock.

—

EVENING SESSION.

7½ o'clock P. M.

The House met and was called to order by the Speaker.

Roll called: quorum present.

REPORTS OF STANDING COMMITTEES.

By the committee on engrossment and enrollment:

The committee on engrossment and enrollment report as correctly enrolled, signed, and presented to the Governor, the following bills:

A bill to legalize the returns of taxes for the county of Keweenaw, for the year 1869;

Also,

A bill to legalize the returns of taxes for the county of Houghton, for the year 1869.

E. M. MASON, *Chairman.*

Report accepted.

By the committee on supplies and expenditures:

The committee on supplies and expenditures report the following as the amount of stationery drawn by the committees and officers respectively, of the House, the accounts for which are duly certified to in proper manner, and of which several amounts your committee recommend the payment:

Com. Supplies and expenditures	$50 61
" Engrossment and enrollment	2 88
" Salines	3 35
" State affairs	4 10
" Ways and means	3 90
" Harbors	2 02
" Judiciary	8 80
" Internal improvements	3 32
" Roads and bridges	2 31
	$81 29

A. S. STANNARD, *Acting Chairman.*

Roport accepted and adopted.

MOTIONS AND RESOLUTIONS.

Mr. Cameron moved that the House take a recess until 8¼ o'clock P. M.;

Which motion was withdrawn.

Mr. Crossman moved that there be a call of the House;

Which motion prevailed.

PROCEEDINGS UNDER THE CALL.

The roll of the House was called by the Clerk, and the following members reported absent without leave: Messrs. O. Clark, Green, Hunt, Hutchinson, Klein, Murray, Plimpton, Purcell, Romeyn, Stockbridge, Wendell, Westover, H. G. Williams and Yawkey.

On motion of Mr. G. G. Briggs,

The Sergeant-at-Arms was dispatched after the absentees.

The Sergeant-at-Arms announced Mr. Gay at the bar of the House.

On motion of Mr. Brownell,

Mr. Gay was admitted within the bar, rendered an excuse, and took his seat.

The Sergeant-at-Arms announced Mr. Green at the bar of the House.

On motion of Mr. Seward,

Mr. Green was admitted within the bar, rendered an excuse, and took his seat.

The Sergeant-at-Arms announced Mr. Romeyn at the bar of the House.

On motion of Mr. Stewart,

Mr. Romeyn was admitted within the bar, rendered an excuse, and took his seat.

Mr. Miles moved that all further proceedings under the call be dispensed with;

Which motion did not prevail.

The Sergeant-at-Arms announced Mr. Klein at the bar of the House.

On motion of Mr. Horton,

Mr. Klein was admitted within the bar, rendered an excuse, and took his seat.

Mr. Hurlbut asked and obtained leave of absence for Mr. Hutchinson, on account of sickness.

On motion of Mr. Cameron,

Leave of absence was granted to Mr. Murray until to-morrow, on account of sickness.

Mr. Brownell moved that all further proceedings under the call be dispensed with;

Which motion did not prevail.

The Sergeant-at-Arms announced Mr. Baxter at the bar of House.

On motion of Mr. Miles,

Mr. Baxter was admitted within the bar, rendered an excuse, and took his seat.

On motion of Mr. Owen,

All further proceedings under the call were dispensed with.

The Sergeant-at-Arms announced the Private Secretary of the Governor, who transmitted to the House a message from his Excellency the Governor, in writing.

MESSAGE FROM THE GOVERNOR.

By unanimous consent, the Speaker announced the following:

EXECUTIVE OFFICE,
Lansing, August 9, 1870.

To the House of Representatives:

I have this day approved, signed, and deposited in the office of the Secretary of State,

An act to legalize the returns of taxes for the county of Keweenaw, for the year one thousand eight hundred and sixty-nine;

Also,

An act to legalize the returns of taxes for the county of Houghton, for the year one thousand eight hundred and sixty-nine.

HENRY P. BALDWIN.

The message was laid on the table.

MESSAGES FROM THE SENATE.

By unanimous consent, the Speaker announced the following

SENATE CHAMBER,
Lansing, August 9, 1870.

To the Speaker of the House of Representatives:

SIR—I am instructed to return to the House the following concurrent resolution:

Resolved, By the House, (the Senate concurring,) That the Secretary of State be and he is hereby authorized and directed to forward one copy of the laws and resolutions passed at the present session of this Legislature; also, one copy of the journals and documents of the Senate and House of Representatives to each of the members and officers of the two Houses, directed to the clerks of the several counties in which said members and officers reside, as soon as the same shall be printed, bound, and ready for delivery;

In the passage of which the Senate has concurred.

Very respectfully,

HENRY S. SLEEPER,
Secretary of the Senate.

The message was laid on the table.

The Speaker also announced the following:

SENATE CHAMBER,
Lansing, August 9, 1870.

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit the following concurrent resolution:

Resolved, (the House concurring,) That the Secretary of the Senate, and the Clerk of the House of Representatives, be and they are hereby authorized and directed to compile and prepare for publication, and make indexes, and superintend the publication of the journals and documents of the present Legislature, and when completed and certified to by the Secretary of State, they shall each be entitled to and receive for such services, the sum of one hundred dollars;

Which has passed the Senate, and in which the concurrence of the House is respectfully asked.

Very respectfully,
HENRY S. SLEEPER,
Secretary of the Senate.

On motion of Mr. Holt,

The House concurred in the adoption of the concurrent resolution.

Mr. Huston, unanimous consent being given, introduced the following:

JOINT RESOLUTION proposing an amendment to the Constitution of the State of Michigan, for municipal aid to railroads.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to the Constitution of the State be and the same is hereby proposed, the same to stand as an additional section of article eighteen, to be known as section sixteen:

SEC. 16. Cities, townships, or other municipalities, may be authorized by the Legislature to aid in the construction of railroads to an amount not exceeding three per cent. of its

assessed valuation: *Provided*, That the total amount of indebtedness authorized for all such purposes shall not exceed at any one time, five per cent. of the assessed valuation of the municipality: *And provided further*, That no such aid shall be authorized without the vote of two-thirds of the electors of such municipality, voting at any election duly called for that purpose: *And provided further*, That this section shall not apply to that part of the State south of the first base line.

The aforesaid amendment shall be and is hereby submitted to the people of this State at the next general election to be holden on the Tuesday succeeding the first Monday in November, eighteen hundred and seventy, as provided in section one, article twenty of the Constitution; and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties of this State in the same manner that he is now required by law to do in the case of an election of Governor and Lieutenant Governor; and the inspectors of election in the several townships and cities of this State shall prepare a suitable box for the reception of ballots cast for and against such amendment. Each person voting at said election for said amendment, shall have written or printed on his ballot the words "For railroad aid—Yes;" and each person voting against such amendment shall have written or printed on his ballot the words "For railroad aid—No." The ballots shall in all respects be canvassed, and returns be made as in elections of Governor and Lieutenant Governor.

The joint resolution was read a first and second time by its title, and,

On motion of Mr. Huston,

The rules were suspended and the joint resolution put on its immediate passage.

The joint resolution having been read a third time, and the question being upon its passage, pending the taking of the vote thereon,

Mr. Romeyn moved to lay the joint resolution on the table.

Mr. Huston demanded the yeas and nays.

The demand was seconded, and the motion to lay on the table did not prevail, by yeas and nays, as follows:

YEAS.

Mr. Bostwick,	Mr. Klein,	Mr. Stewart,
Cogshall,	Miles,	Weier,
Doty,	Murray,	J. A. Williams,
Horton,	Romeyn,	W. D. Williams,
Ingersoll,	Stannard,	Woodard,
F. G. Kendrick,		16

NAYS.

Mr. Ashley,	Mr. Hartson,	Mr. Owen,
Avery,	Holt,	Plimpton,
Barnaby,	Hubbard,	Putnam,
Baxter,	Hunt,	Riford,
Beall,	Hurlbut,	Riopelle,
Bennett,	Huston,	Sanford,
Blake,	Hutchinson,	Seward,
G. G. Briggs,	Jewell,	Shaw,
Cameron,	L. Kendrick,	Shier,
B. Clark,	Kingsley,	Sickels,
Crane,	Lane,	Slayton,
Crossman,	Lee,	Smith,
Curry,	Lovell,	Snell,
Davis,	Mandigo,	Stockbridge,
Eaton,	Mason,	Vowles,
Eck,	McCowen,	Wagner,
Elliott,	McKernan,	Walker,
Fenner,	Mead,	Walton,
Fuller,	Miller,	Ward,
Gay,	Millington,	Westover,
Goodrich,	Mitchell,	White,
Grant,	Newman,	Wilcox,
Green,	Norton,	Speaker,
Harris,	Osborn,	71

The joint resolution was then not passed, two-thirds of all the members elect not voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Avery,	Mr. Grant,	Mr. Newman,
Barnaby,	Green,	Norton,
Baxter,	Hartson,	Owen,
Beall,	Holt,	Riford,

Blake,	Hubbard,	Sanford,
G. G. Briggs,	Hunt,	Shaw,
Brownell,	Hurlbut,	Sickels,
Cameron,	Huston,	Slayton,
B. Clark,	Ingersoll,	Smith,
Crane,	Jewell,	Snell,
Crossman,	L. Kendrick,	Stockbridge,
Curry,	Lane,	Vowles,
Eaton,	Lee,	Wagner,
Eck,	Lovell,	Walton,
Elliott,	Mandigo,	Ward,
Fenner,	McKernan,	Westover,
Fuller,	Mead,	Wilcox,
Gay,	Miller,	Speaker,
Goodrich,	Mitchell,	56

NAYS.

Mr. Ashley,	Mr. Kingsley,	Mr. Seward,
Bennett,	Klein,	Sheldon,
Bostwick,	Mason,	Shier,
R. V. Briggs,	McCowen,	Stannard,
O. Clark,	Miles,	Stewart,
Cogshall,	Millington,	Walker,
Davis,	Murray,	Weier,
Doty,	Osborn,	Wendell,
Gifford,	Plimpton,	White,
Harris,	Putnam,	J. A. Williams,
Horton,	Riopelle,	W. D. Williams,
F. G. Kendrick,	Romeyn,	Woodard, 36

MESSAGES FROM THE SENATE.

By unanimous consent, the Speaker announced the following:

SENATE CHAMBER,
Lansing, August 9, 1870.

To the Speaker of the House of Representatives:

SIR—I am instructed to return to the House the following bill:

House manuscript bill, entitled

A bill to provide for the payment of the officers and members of the Legislature for the extra session of the year one thousand eight hundred and seventy,

And to inform the House that the Senate has amended the

same by striking out in line seven, of section one, the word "ten," and inserting in place thereof the word "eleven;"

In the passage of which, as thus amended, the Senate has concurred by a majority vote of all the Senators elect, and has ordered the same to take immediate effect by a two-thirds vote of all the Senators elect.

Very respectfully,

HENRY S. SLEEPER,

Secretary of the Senate.

Mr. Mason moved that the House concur in the amendment made to the bill by the Senate;

Which motion prevailed, by yeas and nays, as follows:

YEAS.

Mr. Armstrong,	Mr. Green,	Mr. Plimpton,
Ashley,	Harris,	Putnam,
Avery,	Hartson,	Riford,
Barnaby,	Holt,	Riopelle,
Baxter,	Horton,	Romeyn,
Beall,	Hubbard,	Sanford,
Bennett,	Hunt,	Seward,
Blake,	Hurlbut,	Shaw,
Bostwick,	Huston,	Sheldon,
G. G. Briggs,	Jewell,	Shier,
R. V. Briggs,	L. Kendrick,	Sickels,
Brownell,	F. G. Kendrick,	Slayton,
Cameron,	Kingsley,	Smith,
B. Clark,	Klein,	Snell,
O. Clark,	Lane,	Stannard,
Cogshall,	Lee,	Stewart,
Crane,	Lovell,	Stockbridge,
Crossman,	Mandigo,	Vowles,
Davis,	McCowen,	Wagner,
Doty,	McKernan,	Walker,
Dusseau,	Mead,	Walton,
Eaton,	Miles,	Ward,
Eck,	Miller,	Weier,
Elliott,	Millington,	Wendell,
Fenner,	Mitchell,	White,
Fuller,	Murray,	Wilcox,
Gay,	Newman,	J. A. Williams,
Gifford,	Norton,	W. D. Williams,

Goodrich,	Osborn,	Woodard,	
Grant,	Owen,	Speaker,	90

NAYS.

Mr. Curry,	Mr. Westover,	2

The bill was then referred to the committee on engrossment and enrollment, for enrollment.

The Speaker also announced the following:

SENATE CHAMBER,
Lansing, August 9, 1870.

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit the following concurrent resolution:

Resolved, (the House concurring,) That this Legislature adjourn *sine die* on Wednesday, the tenth day of August, present, at 12 o'clock noon;

Which has passed the Senate, and in which the concurrence of the House is respectfully asked.

Very respectfully,

HENRY S. SLEEPER,
Secretary of the Senate.

On motion of Mr. Baxter,

The House concurred in the adoption of the resolution.

Mr. Miles moved that the House adjourn until to-morrow morning at 8½ o'clock;

Which motion was withdrawn.

On motion of Mr. Huston.

The House took a recess until 9 o'clock P. M.

—

9 o'clock P. M.

The House reassembled, and was called to order by the Speaker.

Roll called: quorum present.

Mr. Stockbridge moved that the House adjourn until to-morrow morning at 9 o'clock;

Which motion was withdrawn.

The Speaker called the Speaker *pro tem.* to the chair.

Mr. Romeyn offered the following:

Resolved, That the thanks of this House be and are hereby tendered to the Speaker, for the fairness and impartiality with which he has discharged the duties of his office during the present extra session of the Legislature;

Which was adopted.

Mr. Horton offered the following:

Resolved, That the thanks of this House are hereby tendered to N. B. Jones, Clerk, for the efficient and able manner that he has performed the duties of his office during the present session of the Legislature;

Which was adopted.

Mr. Stockbridge moved that the House adjourn until to-morrow morning at 8 o'clock;

Which motion was withdrawn.

Mr. Cogshall offered the following:

Resolved, That the Clerk of the House be directed to mail to the officers and members of the House, the journal for the remainder of the session;

Which was adopted.

Mr. Sanford moved that the House adjourn until to-morrow morning at 9 o'clock;

Which motion did not prevail.

Mr. Riford moved that the House adjourn until to-morrow morning at 7½ o'clock;

Which motion did not prevail.

Mr. Harris moved that leave of absence be granted to all members who desired to take the early morning trains.

On motion of Mr. Plimpton.

The motion was laid on the table.

Mr. Stockbridge moved that the House adjourn until to-morrow morning at 8½ o'clock;

Which motion did not prevail.

On motion of Mr. Norton,

The House adjourned until to-morrow morning at 9 o'clock.

Lansing, Wednesday, August 10, 1870.

The House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Davis.

Roll called, and the following members answered to their names: Messrs. Ashley, Baxter, Bennett, Bostwick, R. V. Briggs, Cameron, B. Clark, O. Clark, Crane, Doty, Dusseau, Eck, Fenner, Gay, Gifford, Grant, Harris, Holt, Hubbard, Hurlbut, Jewell, F. G. Kendrick, Kingsley, Lovell, Mandigo, Miles, Millington, Mitchell, Owen, Plimpton, Putnam, Riford, Riopelle, Romeyn, Sanford, Seward, Shaw, Sheldon, Slayton, Smith, Stannard, Stewart, Stockbridge, Wagner, Walker, Walton, Weier, Wendell, Wilcox, W. D. Williams, Woodard—51.

Mr. R. V. Briggs, offered the following:

Resolved, That the thanks of this House be and are hereby tendered to the Hon. B. W. Huston, Jr., for the able and impartial manner in which he has discharged the duties of Speaker *pro tem.* of this House during its session;

Which was adopted.

The following report was received:

The committee on engrossment and enrollment, report as correctly enrolled, signed, and delivered to the Governor:

A bill to provide for the payment of the officers and members of the Legislature, for the extra session of the year one thousand eight hundred and seventy.

E. M. MASON, *Chairman.*

Report adopted.

On motion of Mr. Plimpton,

The House took a recess until 5 minutes of 12 o'clock.

11:55 A. M.

The House was called to order by the Speaker.

Roll called: not a quorum present.

MESSAGE FROM THE GOVERNOR.

The Speaker announced the following:

EXECUTIVE OFFICE,
Lansing, August 10, 1870.

To the House of Representatives:

I have this day approved, signed, and deposited in the office of the Secretary of State,

An act to provide for the payment of the officers and members of the Legislature, for the extra session of the year 1870;

Also,

Concurrent resolution authorizing Secretary of State to forward one copy of all laws and resolutions passed; also the journals and documents to each member and officer of the Legislature.

HENRY P. BALDWIN.

The message was laid on the table.

The hour of 12 o'clock noon having arrived, and no further business appearing to be transacted, the Speaker declared the House adjourned *sine die.*

HALL OF THE HOUSE OF REPRESENTATIVES,
Lansing, August 10, 1870.

I hereby certify the foregoing to be a correct journal of the proceedings of the House of Representatives of the Legislature of Michigan, at the extra session, for the year one thousand eight hundred and seventy.

N. B. JONES,
Clerk of the House of Representatives.

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